THE KAUṬILĪYA

Arthaśāstra



R.P. KANGLE

THE

KAUṬILĪYA ARTHAŚĀSTRA

PART III

A STUDY

R.P. KANGLE

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PREFACE

This Part is intended to serve as a general introduction to the study of the *Kauṭilīya Arthaśāstra*. It attempts to deal with questions about the origin of Arthaśāstra as a branch of learning in ancient India, the authorship and date of the *Kauṭilīya Arthaśāstra*, its sources and its style. It also seeks to present a broad outline of its teaching on the various topics connected with its subject-matter. It is hoped that no question of importance that is likely to be helpful for a study of this work has been overlooked.

Since its first publication in 1909 the *Arthaśāstra* has been the object of critical study by many distinguished Indologists. I have naturally availed myself of the learned contributions of these eminent scholars. My indebtedness to their labours is incalculable. It is, of course, not claimed that I have been able to read everything written so far on the subject. I hope, however, that I have not missed any significant contribution made to the study of this important work.

Though I have freely drawn on the contributions made by earlier scholars, there have been occasions when I have differed from them and have tried to controvert their opinions. I hope that while doing so I have not anywhere misunderstood their views nor been guilty of misrepresenting them. Of course, it cannot be expected that the opinions expressed or conclusions reached here will be found entirely acceptable. In fact, I shall be satisfied if they are regarded as worthy of serious consideration. Perhaps it may not be presumptuous to hope that this study will provoke further work on this text.

I am thankful to a large number of friends who encouraged me in this work and offered many useful suggestions and comments after going through a part or the whole of it. In particular, I must express my thanks to Professor H. D. Velankar and Dr. G. S. Ghurye of the University of Bombay, Principal K. T. Merchant of the Sydenham College, Bombay, Professor G. C. Jhala of the St. Xavier's College, Bombay, Dr. S. S. Hoskot of the Kirti College, Bombay and Shri G. G. Gokhale, formerly with *The Times of India*, Bombay. I have largely benefited from their helpful suggestions.

I have included in the Bibliography information about translations of the *Arthaśāstra* in Modern Indian Languages. Many of them have not been seen by me. Nevertheless, the information, which was obtained through the courtesy of the National Library, Calcutta, and of my friend Professor S. A. Upadhyaya of the Bharatiya Vidya Bhavan, Bombay, has been incorporated with the intention of making the

Bibliography complete as far as possible. I hope that the inclusion of these titles, not personally seen by me, in the Bibliography will be considered excusable.

I owe special thanks to Professor Oscar Botto of Turin for sending me a copy of H. Berger's article '*Kauṭalya* ist älter als *Kauṭilya*' published in a Munich journal that was not available here.

Shri B. A. Olkar, Superintendent, Publications Section, University of Bombay, has most enthusiastically rendered invaluable help in seeing this work through the Press. To him my sincere thanks are due. In like manner Shri V. G. Moghe, Sperintendent of the Bombay University Press, and his staff deserve my best thanks for bringing out this neat volume with promptitude.

Finally, I must once again give expression to my gratitude to the authorities of the University of Bombay for having undertaken the publication of this three-part venture.

May, 1965 R. P. KANGLE

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ABBREVIATIONS

ABORI	Annals of the Bhandarkar Oriental Research Institute (Poona)
AOr	Archiv Orientální (Praha)
HD	P. V. Kane's *History of Dharmaśāstra*
HP	K. P. Jayaswal's *Hindu Polity* (1st edition)
IA	Indian Antiquary (Bombay)
IC	Indian Culture (Calcutta)
IHQ	Indian Historical Quarterly (Calcutta)
JAOS	Journal of the American Oriental Society (Baltimore)
JBBRAS	Journal of the Bombay Branch of the Royal Asiatic Society (Bombay)
JBORS	Journal of the Bihar and Orissa Research Society (Patna)
JOR	Journal of Oriental Research (Madras)
JRAS	Journal of the Royal Asiatic Society (London)
KA	The *Kauṭilīya Arthaśāstra* (Bombay, 1960)
KSt	B. Breloer's *Kauṭalīya Studien*
Mbh	The *Mahābhārata* (B.O.R.I. edition, Poona)
RSO	Rivista degli Studi Orientali (Roma)
SKPAW	Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften (Berlin)
WZKM	Wiener Zeitschrift für die Kunde des Morgenlandes (Wien)
ZDMG	Zeitschrift der Deutschen Morgenländischen Gesellschaft (Leipzig, now Wiesbaden)
ZII	Zeitschrift für Indologie und Iranistik (Leipzig)

CHAPTER ONE

ARTHAŚĀSTRA : SCOPE AND ORIGIN

THE *Kauṭilīya Arthaśāstra*, as the name indicates, is a treatise on Arthaśāstra. A definition of this śāstra is found in the concluding section of the work. We read there, "*artha* is the sustenance or livelihood (*vṛttiḥ*) of men ; in other words, it means 'the earth inhabited by men.' Arthaśāstra is the science which is the means of the acquisition and protection of the earth."[1] In the same manner, the first sūtra of the work refers to "Arthaśāstras composed by earlier teachers for the acquisition and protection of the earth."[2]

Since very early times *artha* has been regarded as one of the *trivarga* or three goals of human existence, the other two being *dharma* and *kāma*. In this connection, *artha* is understood to stand for material well-being as well as the means of securing such well-being, particularly, wealth. Like the other two goals, *artha* also has primarily the individual in view. It is the individual who is to pursue *artha* as one of the goals of his life.[3] Now, an essential condition of a man's material well-being is security of livelihood. That is probably the reason why *artha* is, in this text, defined as *vṛtti* or livelihood.

K. P. Jayaswal is of the opinion that *vṛtti* in this definition is to be understood in the same sense as *vartana*, i. e., 'existence', so that according to him *manuṣyāṇāṁ vṛttiḥ* means 'human population.'[4] This might seem to accord better with the explanation which follows, that *artha* in effect means 'the earth inhabited by men.' However, the mere 'existence' of men appears hardly adequate as the primary meaning of *artha*. Material well-being and its means are ideas very closely associated with it. Hence *vṛtti* as 'sustenance' or 'livelihood' is closer to *artha* than as 'existence'. From the word *vṛtti* is obviously derived *vārttā*, the three-fold economic activity of agriculture, cattle-rearing and trade, which constituted the usual means by which men obtained their livelihood on earth.

1 मनुष्याणां वृत्तिरर्थः, मनुष्यवती भूमिरित्यर्थः। तस्याः पृथिव्या लाभपालनोपायः शास्त्रमर्थशास्त्रमिति। KA, 15.1.1-2.

2 पृथिव्या लाभे पालने च यावन्त्यर्थशास्त्राणि पूर्वाचार्यैः प्रस्थापितानि प्रायशस्तानि संहृत्यैकमिदमर्थशास्त्रं कृतम्। KA, 1.1.1.

3 In the present text it is declared in Kauṭilya's own words that *artha* is the most important of the three, the other two being dependent on it : अर्थ एव प्रधान इति कौटिल्यः। अर्थमूलौ हि धर्मकामाविति। KA, 1.7.6-7.

4 HP, I, p. 5, n. 3.

D. R. Bhandarkar denies that *artha* in this definition is one of the *trivarga*.[5] He argues that *artha* in the sense of 'wealth' belongs to the province of Vārttā, whereas *artha* in the sense of 'territory inhabited by men' belongs to the province of Daṇḍanīti (that is, of Arthaśāstra). It is true that *artha* as understood in the definition of Arthaśāstra has a wider significance than is usually associated with that term. But that appears to be only an extension of its usual meaning. This is clearly indicated by the fact that *artha* is first defined as *vṛtti* (which term can hardly be dissociated from *vārttā*) and then only by implication (*ityarthaḥ*) explained in the sense of 'the earth inhabited by men.'

With *artha* understood, by implication, in the sense of the earth where men live and seek their material well-being, it ceases to be the goal pursued by individuals and appears as the means of ensuring the well-being of men in general. This extension of meaning makes it possible for Arthaśāstra to be regarded as the śāstra concerned with general well-being on earth. And since state activity alone can make such general well-being possible, the protection of the earth and its acquisition, which are an essential part of state activity, are declared to be the province of this śāstra. It is thus defined as the śāstra which shows how this activity of the acquisition and protection of the earth should be carried out.

This definition implies that Arthaśāstra has a twofold aim. First, it seeks to show how the ruler should protect his territory. This protection (*pālana*) refers principally to the administration of the state. Secondly, it shows how territory should be acquired. This acquisition (*lābha*) refers principally to the conquest of territory from others; that involves a consideration of the foreign policy of the state. These two cover the whole range of state activity. One may say, therefore, that Arthaśāstra is understood as the science dealing with state affairs in the internal as well as the external sphere; in other words, it is the science of statecraft or of politics and administration.

It may be remarked in passing that the rulership of 'the earth' contemplated in the śāstra does not necessarily imply the conquest of the whole world. The field open for the operations of the would-be-conqueror (*vijigīṣu*) appears restricted to the region lying between the Himalayas and the sea. Territories beyond the borders of India are not included in 'the territory of the Sovereign Ruler.'[6] One of the reasons for this may be that the conqueror, according to the śāstra, is expected to establish a social order based on the *varṇa* and *āśrama*

5 *Some Aspects of Ancient Hindu Polity* (Benares, 1929), pp. 12-13.
6 देशः पृथिवी । तस्यां हिमवत्समुद्रान्तरमुदीचीनं योजनसहस्रपरिमाणं तिर्यक् चक्रवर्तिक्षेत्रम् । KA, 9.1.17-18.

system in the conquered territories,[7] and the establishment of such a social order outside the limits of India was perhaps considered impracticable or even undesirable. It may also be that such conquest beyond the borders of India was regarded as unjust. Arrian, the Greek historian, has remarked, "On the other hand, a sense of justice, they say, prevented any Indian king from attempting conquest beyond the limits of India."[8]

The name Arthaśāstra for the science of politics and administration, though unusual, appears to be quite old. The *Mahābhārata* mentions it in two places. In 12.161.9 Arjuna is described as 'an expert in Arthaśāstra'[9] and in 12.290.104 Arthaśāstra is described as 'followed by the best of kings.'[10] However, the name does not appear to be in common use in later times. Despite the great influence of the *Kauṭilīya Arthaśāstra*, most later writers on this śāstra have preferred another name for it, namely, Nītiśāstra, which may stand either for Daṇḍanītiśāstra or Rājanītiśāstra. This is shown by the names of such works on this śāstra as the *Nītisāra* of Kāmandaka, the *Nītivākyāmṛta* of Somadeva, the *Nītiprakāśikā* of Vaiśampāyana and so on. It seems that Daṇḍanīti is the oldest name for the śāstra. The *Mahābhārata*, in 12.59.78, gives the name Daṇḍanīti to the work composed by Brahmadeva at the beginning of creation for the protection of the world.[11] And one of the four lores, the study of which is regarded as essential for a prince, is Daṇḍanīti. The earlier schools, whose opinions are mentioned in the *Kauṭilīya Arthaśāstra*, 1.2.2-7, thought that the study of one or more of the other three lores (Ānvīkṣikī, Trayī and Vārttā) may be dispensed with, but not the study of Daṇḍanīti. This lore, considered essential by all, is concerned with the administration of the state. Daṇḍanīti literally means 'the use or employment of the rod', and obviously refers to the earliest method of inflicting punishment on wrong-doers by the ruler. Daṇḍa, as the sceptre held by the monarch, has everywhere been the symbol of state authority. It is possible that Daṇḍanīti, in its origin, was concerned primarily with the administration of justice. But it is reasonable to suppose that all topics connected with the running of the state came within its purview since very early days. The Daṇḍanīti, the study of which is essential

7 जित्वा च पृथिवीं विभक्तवर्णाश्रमां स्वधर्मेण भुञ्जीत । KA, 13.4.62.

8 Arrian's *Indika*, Ch. IX, in J. W. McCrindle, *India as Described by Megasthenes and Arrian* (Calcutta, 1926), p. 209 ; cf. Jayaswal, HP, II, p. 191.

9 समाप्तवचने तस्मिन्नर्थशास्त्रविशारदः ।
पार्थो धर्मार्थतत्त्वज्ञो जगौ वाक्यमतन्द्रितः ॥ Mbh, 12.161.9.

10 यच्चार्थशास्त्रे नृपशिष्टजुष्टे । Mbh, 12.290.104.

11 दण्डेन नीयते चेयं दण्डं नयति चाप्युत ।
दण्डनीतिरिति प्रोक्ता त्रींल्लोकाननुवर्तते ॥ Mbh, 12.59.78.

according to every school of this śāstra, could hardly have been concerned with judicial administration alone.

U. N. Ghoshal has expressed the view that Arthaśāstra is a comprehensive science of which Daṇḍanīti is only a branch.[12] There do not appear to be sufficient grounds for making such a distinction. As stated in the *Kauṭilīya Arthaśāstra*, Daṇḍanīti is concerned with *alabdhalābha* and *labdhaparipālana* along with other things.[13] These, it is obvious, are to be understood as activities of the state. Now Arthaśāstra, as we have seen, is concerned with nothing more than these two state activities of *lābha* and *pālana*. It may also be pointed out that according to the *Nītivākyāmṛta* of Somadeva, Nītiśāstra consists of *tantra* and *āvāpa*. The former of these is said to be concerned with the protection of one's own territory, while the latter is concerned with the acquisition of territory belonging to others.[14] This clearly shows that Nītiśāstra has the same full scope as Arthaśāstra and is not to be regarded as merely a branch of that śāstra.

The view that Arthaśāstra has a wider scope than Nītiśāstra seems to be due to some difference that is noticeable between the contents of the *Arthaśāstra* and those of such works as the *Nītisāra* of Kāmandaka, regarded as representative of works on Nīti or Daṇḍanīti. An outstanding feature of this difference is the absence in works like the *Nītisāra* of a code of law corresponding to the *dharmasthīya* section (Book 3) of the *Arthaśāstra*. The reason for this is clearly the fact that in those later days when the *Nītisāra* and similar works were composed law had been completely appropriated by Dharmaśāstra works and no need was felt to retain it in manuals on statecraft. But it is hardly conceivable that Daṇḍanīti, which in its origin was probably the science of the administration of justice, was in the beginning unconcerned with law. That Kāmandaka himself makes no distinction between Arthaśāstra and Nītiśāstra appears evident from the circumstance that in the opening verses of his work, where he pays homage to Viṣṇugupta, he states that the latter had taken out the nectar of Nītiśāstra from the ocean of Arthaśāstras.[15] Now this is clearly a reference to the present work called the Arthaśāstra, attributed to Kauṭilya or Viṣṇugupta, and it is significant that Kāmandaka refers to it as the

12 *A History of Indian Political Ideas* (O. U. P., Bombay, 1959), p. 84.

13 ... दण्डनीतिः, अलब्धलाभार्था लब्धपरिरक्षणी रक्षितविवर्धनी वृद्धस्य तीर्थे प्रतिपादनी च । KA, 1.4.3.

14 तन्त्रावापौ नीतिशास्त्रम् । स्वमण्डलपालनाभियोगस्तन्त्रम् । परमण्डलावाप्त्यभियोग आवापः । *Nītivākyāmṛta*, 30.45-47.

15 नीतिशास्त्रामृतं श्रीमानर्थशास्त्रमहोदधेः ।
य उद्दध्रे नमस्तस्मै विष्णुगुप्ताय वेधसे ॥ *Nītisāra*, 1.6.

'nectar in the form of Nītiśāstra'. According to him, therefore, Arthaśāstra and Nītiśāstra had the same scope.

Nītiśāstra, however, may also be understood to stand for Rājanītiśāstra, the science laying down conduct proper for the ruler. But the name does not appear to be very old. The *Mahābhārata* uses names like Rājaśāstra and Rājadharmāḥ, but not Rājanīti.[16] Kāmandaka, in one place, refers to this science as Rājavidyā.[17] The significance of these names is quite obvious.[18]

The origin of this śāstra is obscure. An account of its supposed origin is found in Chapter 59 of the Śāntiparvan of the *Mahābhārata*. The account is no doubt mythical; but it is not without interest, since it does throw some light on this question. We read there that at the beginning of creation, in the Kṛta Yuga, men acted according to *dharma* though there was no ruler nor any punishment, but that in course of time men were overcome by delusion, greed, love of pleasures and other base passions, and that in consequence there was anarchy everywhere. The gods were filled with apprehension and approached Brahmadeva, the Creator, to seek a way out. The latter reassured them and composed a treatise in order that an orderly and peaceful existence may be ensured for men on earth. The treatise, it is said, contained one hundred thousand chapters and dealt with the *trivarga* of *dharma*, *artha* and *kāma*. It is added that the four lores of Trayī, Ānvīkṣikī, Vārttā and Daṇḍanīti were also treated in that work.[19] Then follows a detailed analysis of its contents. This list of contents makes no mention at all of topics connected with Trayī, Ānvīkṣikī and Vārttā, but refers only to topics that are germane to Daṇḍanīti. In fact, the analysis concludes with the statement, "All those means by which men can be prevented from deviating from the Aryan path were described in the Nītiśāstra."[20] This shows that Brahmadeva's treatise was in reality a work on Nītiśāstra alone. What is more, in śloka 78 which follows this statement, the treatise is definitely given the title *Daṇḍanīti*.[21] We are further told that God Śaṁkara first took this Nīti and reduced it to ten thousand chapters having regard to the fact

16 See Mbh, 12.58.1-3 ; 12.63.16 ; 12.57.43 etc.

17 *Nītisāra*, 1.7-8.

18 For a discussion of the various names of this science, cf. P. V. Kane, HD, III, pp. 4-8.

19 ततोऽध्यायसहस्राणां शतं चक्रे स्वबुद्धिजम् ।
यत्र धर्मस्तथैवार्थः कामश्चैवानुवर्णितः ।। Mbh, 12.59.29.
त्रयी चान्वीक्षिकी चैव वार्त्ता च भरतर्षभ ।
दण्डनीतिश्च विपुला विद्यास्तत्र निर्दशिताः ।। Mbh, 12.59.33.

20 यैर्यैरुपायैर्लोकश्च न चलेदार्यवर्त्मनः ।
तत्सर्वं राजशार्दूल नीतिशास्त्रेऽनुवर्णितम् ।। Mbh, 12.59.74.

21 See Note 11 above.

that the life of men becomes shorter and shorter in succeeding Yugas.[22] This abridged text is said to have been known as the *Vaiśālākṣa* (*Śāstra*). Indra reduced this text further to five thousand chapters, his work being known as the *Bāhudantaka* (*Śāstra*). Then the text was reduced further to three thousand chapters by Bṛhaspati in a work called the *Bārhaspatya* (*Śāstra*). Finally, it is stated that Kāvya (that is, Uśanas) reduced the work still further to one thousand chapters; and though that is not expressly stated, we are to presume that his work was known as the *Auśanasa* (*Śāstra*).[23] All these abridgments, like Brahmadeva's original work, were supposedly concerned with Nīti or Daṇḍanīti.

This account of the origin of the śāstra is no doubt fanciful. It is clearly intended to claim a high antiquity for it and to seek divine sanction for its teaching. Yet the account does throw some light on the question of the origin of this śāstra. There seems little doubt, for example, that a *Bārhaspatya Śāstra* and an *Auśanasa Śāstra* dealing with Nīti were at one time in existence. For, the *Mahābhārata* not only refers to Bṛhaspati and Uśanas as teachers of this śāstra, but also cites some ślokas purporting to be quotations from their *Śāstras*. Thus, in 12.56.38ff. it refers to " ślokas set forth in the old days in the *Bārhaspatya Śāstra* " and quotes some of them.[24] In 12.122.11 King Vasuhoma is said to have studied " the entire teaching of Bṛhaspati as well as the *Auśanasa Śāstra*."[25] In 12.23.14-15 a gāthā is reproduced which Bṛhaspati is said to have uttered, though in 12.57.2-3 the same is quoted with a little variation as a śloka uttered by Uśanas.[26] In 12.68 there is a discourse on the necessity and importance of a king which is said to have been delivered by the great sage Bṛhaspati to Vasumanas, King of the Kosalas. In 12.104 we have a dialogue between Indra and Bṛhaspati on how a king should deal with his enemies;

22 ततस्तां भगवान्नीतिं पूर्वं जग्राह शंकरः।
बहुरूपो विशालाक्षः शिवः स्थाणुरुमापतिः॥
युगानामायुषो ह्रासं विज्ञाय भगवाञ्शिवः।
संचिक्षेप ततः शास्त्रं महार्थं ब्रह्मणा कृतम्॥ Mbh, 12.59.86-7.
23 See Mbh, 12.59.86-92.
24 बार्हस्पत्ये च शास्त्रे वै श्लोका विनियताः पुरा। Mbh, 12.56.38.
25 बृहस्पतेर्मतं राजन्नधीतं सकलं त्वया।
तथैवौशनसं शास्त्रं विज्ञातं ते नरोत्तम॥ Mbh, 12.122.11.
26 अपि गाथामिमां चापि बृहस्पतिरभाषत॥
भूमिरेतौ निगिरति सर्पो बिलशयानिव।
राजानं चाविरोद्धारं ब्राह्मणं चाप्रवासिनम्॥ Mbh, 12.23.14-15.
भगवानुशना चाह श्लोकमत्र विशांपते।...
द्वावेतौ ग्रसते भूमिः सर्पो बिलशयानिव।
राजानं चाविरोद्धारं ब्राह्मणं चाप्रवासिनम्॥ Mbh, 12.57.2-3.

Bṛhaspati is there described as *rājadharmavidhānajñaḥ* 'who knows rules laying down the king's duties.' In 12.140.17 we read of *bārhaspata jñāna*, which Maghavan (that is, Indra) himself is said to have taught.[27] The teaching of Bṛhaspati is referred to also in 12.57.6-7, 12.58.13, 12.69.23, 12.164.12 and other places. Similarly, in 12.136.184-186 two gāthās of Uśanas are quoted, while 12.137.66-68 contain two other gāthās said to have been taught by Uśanas to Prahrāda.[28] In 12.203.18 Bhārgava (that is, Uśanas) is said to have set forth the Nītiśāstra, which is beneficial to the world.[29] These passages leave little room for doubt that works attributed to Bṛhaspati and Uśanas or their schools were known to the author of this part of the *Mahābhārata* and that the teachings of these two sages were mainly concerned with the science of politics. The tradition that Bṛhaspati and Uśanas (otherwise known as Śukra) were the founders of this śāstra is, in fact, quite old. Aśvaghoṣa, for instance, says that Śukra and Bṛhaspati created the Rājaśāstra, which their fathers. Bhṛgu and Aṅgiras respectively, had not done though they were the founders of celebrated families.[30]

Concerning Bṛhaspati and Uśanas we get some information from early sources. In the Ṛgveda, Bṛhaspati appears as a divinity, who helps Indra in winning the cows. In that exploit, Bṛhaspati seems to have played a role analogous to that of a purohita or priest and preceptor helping his king to obtain a victory on the battle-field. And in later days he actually came to be regarded as the purohita of Indra and the gods and became known for his great wisdom. He is, in fact, the prototype of purohitas on earth. The Ṛgveda also refers to him as an Āṅgirasa, born in the family of Aṅgiras. Aśvaghoṣa, as we have seen, mentions Bṛhaspati, the son of Aṅgiras, as one of the founders of the Rājaśāstra. As regards Uśanas, he is, according to tradition, the purohita of the demons, Asuras or Daityas. The *Mahābhārata* represents him as the preceptor of Vṛtra in 12.270.15 and as the teacher of Prahrāda in 12.137.66. He is regarded as a Bhārgava, born in the family of Bhṛgu, and as Aśvaghoṣa tells us, Śukra (which is another name for Uśanas), the son of Bhṛgu, was the other founder of the Rājaśāstra. It would not be unreasonable to suppose that Brhaspati and Uśanas were real persons who served as purohitas to some kings and instructed them in the art of government, and that regular instruction

27 इति बार्हस्पतं ज्ञानं प्रोवाच मघवा स्वयम् । Mbh, 12.140.17.

28 अस्मिन्नर्थे च गाथे द्वे निबोधोशनसा कृते । Mbh, 12.136.184.
उशनाश्चाथ गाथे द्वे प्रह्रादायाब्रवीत्पुरा । Mbh, 12.137.66.

29 भार्गवो नीतिशास्त्रं तु जगाद जगतो हितम् । Mbh, 12.203.18.

30 यद्राजशास्त्रं भृगुरङ्गिरा वा न चक्रतुर्वंशकरावृषी तौ ।
तयोः सुतौ तौ च ससर्जतुस्तत्कालेन शुक्रश्च बृहस्पतिश्च ॥ *Buddhacarita*, 1.46.

in this art was unknown before their time. Even if we suppose, however, that Bṛhaspati and Uśanas are purely mythical beings and cannot be regarded as historical personages, there still can be no denying that these two names were very closely associated with the founding of this śāstra since very early times, and that specific teachings of the śāstra were supposed to be derived from works attributed to them or to their schools, these works being known as the *Bārhaspatya Śāstra* and the *Auśanasa Śāstra*. That there were schools of Nītiśāstra claiming to be founded by Bṛhaspati and Uśanas is also shown by the *Kauṭilīya Arthaśāstra*, as will be seen in Chapter 3 below.

The *Mahābhārata* account of the origin of the śāstra mentions two still earlier works, namely, the *Vaiśālākṣa* and the *Bāhudantaka*. The supposed authors of these, gods Śaṁkara and Indra, are, of course, entirely mythical. Yet, it would not be quite right to conclude that works ascribed to them must therefore be regarded as purely imaginary. For, we find that the *Kauṭilīya Arthaśāstra* frequently mentions the opinions of Viśālākṣa and Bāhudantīputra. These two are mentioned along with Bhāradvāja, Piśuna and others, who are quite obviously human authors. It is not unlikely that Viśālākṣa and Bāhudantīputra are also names of human authors and that their identification with the two gods is due to some confusion. It is also possible that the human authors claimed that their teaching was inspired by these gods, so that it was thought to have originated with the gods and the human authors were forgotten. In any case, it would not be altogether unjustifiable to suppose that the *Vaiśālākṣa Śāstra* and the *Bāhudantaka Śāstra* were at one time in existence, though the *Māhābhārata* account of their authorship and size may be regarded as fanciful. It should be added that the mutual relationship between the different works stated in the *Mahābhārata* need not be accepted as based on facts nor may one safely draw any chronological conclusions from that account.

The *Mahābhārata*, in 12.58.1-3, mentions seven promulgators of the science of rulership, *rājaśāstrapraṇetāraḥ*, namely, Bṛhaspati, Viśālākṣa, Kāvya (that is, Uśanas), Mahendra (that is, Indra), Prācetasa Manu, Bharadvāja or Bhāradvāja and Gauraśiras. A work on politics attributed to Prācetasa Manu was clearly known to the *Mahābhārata*. For, in 12.57.43-45, we have two ślokas said to be quotations from the Rājadharmāḥ of Prācetasa Manu.[31] The use of the plural in *Rājadharmeṣu* suggests that it is the name of the work composed by Prācetasa Manu. This work cannot be identified with the *Manusmṛti*,

31 प्राचेतसेन मनुना श्लोकौ चेमावुदाहृतौ ।
राजधर्मेषु राजेन्द्र ताविहैकमनाः शृणु ॥ Mbh, 12.57.43.

which does not contain the two ślokas or anything similar to them. Moreover, the *Manusmṛti* claims to be the work of Svāyaṁbhuva Manu and not Prācetasa Manu. Whoever the latter was, a school of politics, claiming to be founded by him, was apparently in existence once. And it is this school which may be supposed to be referred to as that of the Mānavas in the *Kauṭilīya Arthaśāstra*. As will be seen later, when the present text refers to the opinions of the Mānavas, in none of those places can the *Manusmṛti* be understood as intended.[32] The work on Nīti by Prācetasa Manu is, of course, now non-existent.

As to Bharadvāja, or more properly Bhāradvāja, it may be mentioned that the *Mahābhārata* (Chapter 12.138) contains a discourse on politics said to have been delivered by Bhāradvāja to King Śatruṁtapa. This teacher is there referred to also as Kaṇiṅka.[33] It may be assumed that the *Mahābhārata* was acquainted with the teaching of Kaṇiṅka Bhāradvāja. It is quite likely that this teacher is the same as the Bhāradvāja whose opinions are frequently referred to in the *Kauṭilīya Arthaśāstra*. This text also mentions once a minister Kaṇiṅka Bhāradvāja, and on the strength of the evidence of the *Mahābhārata* he may safely be identified with the teacher Bhāradvāja. About Gauraśiras, another teacher of this śāstra mentioned in the *Mahābhārata*, nothing is known and it is idle to speculate on his identity.

The circumstance that Bṛhaspati and Uśanas, who are credited with the founding of this śāstra, are both said to have been purohitas is significant. In the earliest days, as the Ṛgveda shows, the purohita was always there by the side of the king to advise, to guide and to help him in all spheres of his activity. As a state functionary, the purohita was next in importance only to the king.[34] It may well be that in the very early days he was the only state functionary beside the king and that separate ministers, mantrins or amātyas, came to be appointed only gradually when in course of time the secular tasks of the state multiplied and the functions of the purohita were more and more restricted to the religious sphere. Even when this happened, however, the preeminent position enjoyed by him in the earlier days was still retained in the teaching of the śāstra. The first among the state dignitaries to whose appointment the *Kauṭilīya Arthaśāstra* refers is the purohita. And after enumerating the qualities necessary in a purohita it adds

32 See Chapter 4 below.

33 भारद्वाजस्य संवादं राज्ञः शत्रुंतपस्य च ॥
राजा शत्रुंतपो नाम सौवीराणां महारथः ।
कणिङ्कमुपसंगम्य पप्रच्छार्थविनिश्चयम् ॥ Mbh, 12.138.3-4.

34 The necessity of a purohita to the king is referred to in the *Aitareya Brāhmaṇa*, VIII.24-27 and elsewhere. The *Āśvalāyana Gṛhya Sūtra*, 3.12, refers to the purohita's work on the battle-field, reciting mantras etc.

that the king should obey him as a pupil does his teacher, a son his father or a servant his master.[35] Even in the teaching of the *Arthaśāstra* the purohita is expected to be present in the camp and on the battle-field (10.1.6; 10.3.32), as in the old days. This high position which the purohita occupied in the state hierarchy naturally made him fully conversant with matters connected with the running of a state. Such intimate knowledge of statecraft may reasonably be supposed to have led to the formulation of the Nītiśāstra by the early purohitas. Hence the tradition that Bṛhaspati and Uśanas, who occupied the position of purohitas, were the founders of this śāstra may be regarded as based on facts, even if the historicity of these two be regarded as open to question.

However, though purohitas may be supposed to be the founders of this śāstra, it was naturally the mantrins or ministers who, in course of time, became more and more concerned with its study and propagation. Some of the earlier teachers whose opinions are mentioned in the *Kauṭilīya Arthaśāstra* appear to have been ministers rather than purohitas. Thus Bhāradvāja, as remarked above, appears to be identical with the minister Kaṇiṅka Bhāradvāja, who is said to have escaped from the wrath of his king on seeing some sign of his displeasure (5.5.11). Similarly, the teacher Piśuna mentioned in this text may well be identical with the minister Piśuna who also managed to escape from the displeasure of his king (5.5.11).

The formulation of the precepts of this science seems to have begun very early. With the establishment of the institutions of the king and the purohita, the ground was ready for the śāstra to come into being. Precepts or rules bearing on matters of administration and of state policy at home and abroad may be supposed to have been framed by the early purohitas for the guidance of the kings whom they served. Such rules were obviously found useful for the instruction of other kings as well. The precepts may be supposed to have been collected together and to have thus constituted a sort of manual for the guidance of rulers in general. Though one cannot say definitely when such a manual or text-book came into being for the first time, it appears that it was composed in quite early times. Unfortunately, all early works on this śāstra are lost. The *Kauṭilīya Arthaśāstra* is the earliest work on it that has come down to us. But it clearly marks the culmination of a long period of speculation on matters which form the subject-matter of this śāstra, not its starting point. It not only refers to *vaktṛ*s and *prayoktṛ*s of the śāstra in 1.5.8, but quotes the opinions of a large number of individual teachers and schools devoted to its study. When we

35 तमाचार्यं शिष्यः पितरं पुत्रो भृत्यः स्वामिनमिव चानुवर्तेत । KA, 1.9.10.

find that already the earlier authorities appear to regard certain doctrines, like that of the four *upāyas* or the six *guṇas* or the seven *prakṛtis* or the three *śaktis*, as well established, we may reasonably conclude that the beginnings of this science must have preceded the composition of the *Kauṭilīya Arthaśāstra* by a few centuries.[36] The opinion of K. P. Jayaswal that Arthaśāstra as a science originated prior to 600 B.C. does not appear to be wide of the mark.[37]

However, U. N. Ghoshal thinks that 650 B.C. suggested by D. R. Bhandarkar (*Some Aspects of Ancient Hindu Polity*, pp. 6-7) for the beginning of this science as much too early and regards even 500 B.C. suggested by A. S. Altekar (*State and Government in Ancient India*, pp. 4-8) as inadmissible.[38] But there does not appear to be any valid reason why the beginnings of this science cannot be placed as early as 600 B.C. or even a little earlier. It is known that territorial kingdoms had been in existence since the days of the Mahābhārata war. A number of these had attained prominence at the time of the rise of Buddhism. Buddhist sources frequently refer to sixteen Mahājanapadas, prominent among them being Kosala, Vatsa, Avanti and Magadha.[39] Many of these kingdoms had continued the practice of appointing purohitas and there can be no doubt that all of them had one or more ministers. The *Majjhima Nikāya* mentions Dīrgha Cārāyaṇa as an important official of King Pasenadi of Kosala.[40] It is not unlikely that this Dīrgha Cārāyaṇa is identical with the minister of that name mentioned in the *Kauṭilīya Arthaśāstra* along with Kaṇiṅka Bhāradvāja, Piśuna and others (5.5.11). Similarly King Ajātaśatru of Magadha succeeded in overthrowing the powerful Vajjis (Vṛjis) through the policy of *bheda* or dissension effectively pursued by his scheming minister, Vassakāra.[41] It may be assumed that problems of internal administration and of relations with neighbouring states must have been tackled by those appointed to high offices in these states long before this period which witnessed the growth of the power of Magadha at the expense of its neighbours. It is, therefore, not at all unreasonable to suppose that questions which form the subject-matter of this śāstra had begun to engage the attention of the practical administrators in these kingdoms even before the historical period which saw the rise of Buddhism.

36 Cf. Kane, HD, III, p. 2.

37 HP, I, pp. 4-5. Cf. also D. R. Bhandarkar, *Some Aspects of Ancient Hindu Polity* (Benares, 1929), pp. 6-7.

38 A *History of Indian Political Ideas*, p. 105, n. 1.

39 Cf. H. C. Raychaudhury, *Political History of Ancient India* (5th ed., Calcutta, 1950), pp. 199ff. ; also *The Age of Imperial Unity* (ed. R. C. Majumdar, Bombay, 1951), pp. 1-15.

40 H. C. Raychaudhury, *op. cit.*, p. 199 and n. 1.

41 See A. L. Basham, *The Wonder that was India* (London, 1954), p. 97.

And this science undoubtedly has its genesis in the thoughts and precepts of such practical administrators.

Probably because the śāstra originated with purohitas, it has a few distinctive features. It is principally instructional in character. It is intended to teach a ruler how he should conduct himself in the various situations that are likely to arise in the course of his rule. That is in keeping with the role of the purohita, who, as the king's preceptor, could lay down rules for the king to follow, telling him what he should do and what he should avoid. As a result of this, again, the śāstra is pre-eminently practical in aim. There is little theorizing, hardly any sustained discussion of theoretical problems about the origin of the state, the best kind of state, the functions of the state and so on. It seems also that the association of this śāstra with purohitas, who were experts in the magical rites of the Atharvaveda, is responsible for the inclusion of the *aupaniṣadika* section (Book 14 of the *Kauṭilīya Arthaśāstra*) in a work on politics and administration.

It is sometimes assumed that Arthaśāstra is later in origin than Dharmaśāstra. J. Jolly, for example, says, "The Dharmaśāstra has far better claims to a high antiquity than Arthaśāstra, which in turn is older than Kāmaśāstra . . . the three sciences on *trivarga* followed each other in time as well as in rank and value . . . It was only when special schools for each separate branch of learning replaced the ancient Vedic schools that schools of Arthaśāstra could take their rise as a branch of Dharmaśāstra first and then as an independent branch of study."[42] Arthaśāstra is thus regarded as only an offshoot of Dharmaśāstra, and in particular, the *Kauṭilīya Arthaśāstra* is believed to be indebted to works on Dharmaśāstra for its teaching.

In support of his thesis Jolly collected over two hundred passages from Books 3 and 4 of the present work, which are concerned with law and the punishment of offenders, and pointed out the great similarity, in doctrine as well as in wording, which these passages bear to what we find in Dharmaśāstra works, particularly the Smṛtis.[43] In the Introduction to his edition of the text, he further drew attention to thirty-three passages from other Books of the *Arthaśāstra* to which close parallels are found in Dharmaśāstra works. At the end of this comparison, Jolly concludes: "One cannot help arriving at the conclusion that Kauṭilya must have been acquainted with the whole body of Dharmaśāstra literature much as we now have it, from the earliest Dharmasūtras to the most recent metrical Smrtis and Smṛti fragments."[44] He would thus appear to be of the view that the *Kauṭilīya Arthaśāstra*

42 Introduction to the Punjab edition of the *Kauṭilīya Arthaśāstra*, p. 20.
43 ZDMG, 67 (1913), pp. 49-96.
44 Introduction, p. 17.

has borrowed not only from the early Smṛtis of Manu and Yājñavalkya, but also from the later Smṛtis of Nārada, and even of Kātyāyana and Bṛhaspati. Such a view is altogether untenable. The particular question of the relation of the present work to the Smṛtis of Manu and Yajñavalkya will be considered later in Chapter 4 below. For the present it will be sufficient to consider the general question of the relation of Arthaśāstra to Dharmaśāstra.

It is not possible to accept the view that Arthaśāstra is only an offshoot of Dharmaśāstra, because the two śāstras are essentially different in origin and scope. Arthaśāstra or Daṇḍanīti is primarily concerned with rulership, which involves questions of administration, including the administration of law and the punishment of criminals. With these subjects Dharmaśāstra in its origin had nothing to do. As is well-known, the earliest extant works on that śāstra, the *Dharmasūtras* of Āpastamba and Baudhāyana, are a part of Kalpa or Ritual, one of the six Vedāṅgas, and as such are a part of the curriculum of the Vedic schools. They were composed with the object of expounding the *sāmayācārika dharmas* 'duties or practices sanctified by custom' or *varṇāśramadharmas* 'duties of the four *varṇas* and *āśramas*.'[45] The word *dharma* in these texts refers primarily to 'duties'. The fact that the word also means 'law' has created the impression that the *Dharmasūtras* are primarily works on law. They are nothing of the kind. They, no doubt, contain a few rules which fall within the province of law proper, but these happen to be included only incidentally. Meyer has pointed out that inheritance is the only title of civil law with which all early *Dharmasūtras* deal and he has argued that this is so because inheritance is intimately connected with *sapiṇḍa*-relationship and *śrāddha*, with which these works were primarily concerned.[46] In any case, it is quite unlikely that the formulation of legal rules was the primary concern of the Vedic schools.

Moreover, the standpoint of the *Dharmasūtras* is not that of a law-giver, but that of a moral preceptor who lays down duties and regards deviations from them as sins to be expiated by the individual himself rather than as crimes to be punished by the state. That is why works on Dharmaśāstra contain large sections on *prāyaścitta* 'expiation for sins' with which no law-giver can be seriously concerned. With reference to the different points of view which characterise the two śāstras, Jolly says, "The general tendency of the Arthaśāstra is thoroughly realistic and worldly, as opposed to the vague idealism

45 Cf. *Āpastamba Dharmasūtra*, I.1.1.1 etc.

46 *Über das Wesen der altindischen Rechtschriften* etc. (Leipzig, 1927), pp. 62-63.

and strictly religious principles of the Dharmaśāstra."[47] Similarly, Winternitz remarks that the Arthaśāstra is concerned with actual things, while the Dharmaśāstra sets forth only ideal requirements, and that what is of special importance to one appears secondary to the other and is passed over.[48] The fact is that the essence of the difference lies in the circumstance that Dharmaśāstra is in its origin addressed to the ordinary individual and is concerned with the strict observance of his duties by him, while Arthaśāstra is primarily concerned with the administration of a state by its ruler. The points of contact between the two śāstras arise from the fact that Dharmaśāstra also thought of dealing with the 'duties' of the king and of referring to certain matters belonging to the sphere of law proper. But it is hardly right to suppose that the Vedic schools, in which the Dharmaśāstra works arose, were the originators of the rules on the administration of the state or of the legal rules. It would seem obvious that the few rules on law and state administration which we find in the early Dharmaśāstra works were derived by them from some other source.[49]

Moreover, we find that it is only gradually that works on Dharmaśāstra came to devote more and more attention to questions of law and administration. Thus, while Āpastamba has only 139 sūtras dealing with these topics out of a total of 1,372 sūtras (that is, about one-tenth of the whole) and Baudhāyana has 147 in a total of 1,248 sūtras (or over one-eighth), Vasiṣṭha devotes 189 out of 1,039 (or a little less than one-sixth) to these topics and Gautama has 261 out of 1,000 sūtras (or more than one-fourth) similarly devoted.[50] In the Smṛtis of Manu and Yājñavalkya, which admittedly belong to the second phase in the growth of Dharmaśāstra, these topics cover roughly one-third of the entire work and receive for the first time a fulness of treatment that was lacking in the early *Dharmasūtras*. Manu is the first Dharmaśāstra writer to treat law in a more or less systematic manner, though he does not forget his role of a moral preceptor even in these sections. It is Yājñavalkya who treats law much more systematically and without an admixture of moral exhortations in his Chapter on *vyavahāra* or law. Thus it is clear that it is only in course of time that Dharmaśāstra works came to be more and more interested in ques-

47 Introduction, p. 3.
48 *Geschichte der indischen Litteratur*, III (Leipzig, 1920), pp. 506-7; also *Some Problems of Indian Literature*, pp. 83-84.
49 Cf. Dèmètre Makrydimas, *La Royauté Hindoue d'aprés les Codes Brahmaniques* (Trieste, 1923), pp. 20-21.
50 This is the more likely relative chronology of the four Dharmasūtras. Cf. Meyer, *op. cit.*; also Batakrishna Ghosh, IHQ, III (1927), pp. 607-611.

tions of law and administration, and that the systematic treatment of these topics belongs to a later phase in the growth of that śāstra. Now, it is well-known that works belonging to this later phase, such as the Smṛtis of Manu and Yājñavalkya, are in no sense original works but are compilations made from earlier sources. Their sections on the duties of the *varṇas* and the *āśramas* and on *prāyaścittas* are clearly derived from early *Dharmasūtras*. They cannot, therefore, be regarded as original in respect of their sections on law and administration. It is impossible, for example, to suppose that Manu is the originator of the detailed rules laying down the duties of the king in Chapter 7 or of the classification of law under eighteen heads and their detailed treatment in Chapters 8 and 9. He must be supposed to have compiled these sections on the basis of some other works.

If, then, the Dharmaśāstra works cannot be regarded as source-books so far as the topics of administration and law are concerned, they must themselves be supposed to have derived their material on these topics from some other source. This source was quite obviously the works on Nītiśāstra or Arthaśāstra. For, there can be no doubt that rājadharmas 'duties of the king,' i.e., rules regarding the governance of a state form the legitimate subject-matter of this śāstra. They are, in fact, the special province of this śāstra alone. When Āpastamba gives rules about the king's residence in II.10.25.1-6, about state officers in II.10.26.4-8, about exemptions from taxes in II.10.26.9-17, or when Baudhāyana states rules about taxation etc. in I.18.13-15, they do so obviously on the basis of Nītiśāstra works known to them. Similarly, when Manu in Chapter 7, refers to the circle of twelve kings or the six measures of policy or the rules of warfare, he must be supposed to have derived his material from Nītiśāstra works. Even Jolly admits as much in one place. He says, " The detailed description of the *rājadharma* in Manu and Yājñavalkya could have been derived from the Arthaśāstra," and he refers to Bühler, who, even though he was not aware of the existence of Kauṭilya's work, had correctly translated *saṁākhyātā* (in Manu 7.156) by " are enumerated (in the Institutes of Polity)."[51]

But what is true of *rājadharmas* is equally true of law. There seems to be a general impression that Nīti or Arthaśāstra was originally not concerned with law. But as remarked above, Nītiśāstra, which, in its origin, was Daṇḍanītiśāstra, must have been concerned with law, the violation of which calls for *daṇḍa* or punishment.[52] Moreover, the

51 ZDMG, 67 (1913), p. 96.
52 See p. 3 above.

fact that early works on this śāstra did deal with law is clear from the references, in the present work, to the conflicting opinions of earlier teachers on such questions as punishment for false testimony (3.11.44-46), punishment for the forcible seizure of goods (3.17.3-14), special shares for sons according to their seniority (3.6.1-5), desertion by the wife on account of ill-treatment by the husband (3.4.9), right over the *kṣetraja* son (3.7.1-2), payment of wages when an agreement for work is violated (3.14.6), punishment for scuffle and injury (3.19.19) and punishment in suits arising out of gambling (3.20.4). There can be little doubt that Nītiśāstra was concerned with law from the earliest days. It follows that the Dharmaśāstra works are indebted to this śāstra for the law which they have incorporated. The *Āpastamba Dharmasūtra*, one of the earliest extant works on Dharmaśāstra, already shows acquaintance with Arthaśāstra. It describes the purohita as one who is an expert in *dharma* and *artha*. This is rightly interpreted by the commentator Haradatta to mean 'an expert in Dharmaśāstra and in Arthaśāstra.'[53]

Winternitz expressed the opinion that like the legal sentences, precepts for the benefit of the ruler, the oldest teaching on *artha* and *nīti*, were current for long in the form of memorable verses or maxims before there were any schools or śāstras.[54] A similar view is expressed by L. Renou.[55] Regarding this theory of what is usually called 'a floating mass' of maxims or gnomic verses, it may be pointed out that all that it amounts to is that the actual authors of those maxims or verses cannot now be traced, and that they were freely appropriated by later writers. For, one must suppose that they were composed by some one at some time. When Winternitz refers to such a stanza as *prajāsukhe sukhaṁ rājñaḥ* etc. (KA, 1.19.34) as an instance of such a memorable verse, that only means that we do not know who composed it. But some one must surely have composed it in those very early days when those concerned had started thinking about behaviour proper for the king. This and similar ideas must have been put in words by the early thinkers on these matters and then communicated to others. That, in fact, was the beginning of this śāstra. The verses

53 'पुरोहितं धमर्थिकुशलम्' Āpastamba, II.5.10.14, and 'धर्मशास्त्रेष्वर्थशास्त्रेषु च कुशलम्' Haradatta on the same. See Jayaswal, HP, I, p. 4, n. 4. For a refutation of Jolly's arguments about the priority of Dharmaśāstra to Arthaśāstra see K. A. Nilakanta Sastri, *Age of the Nandas and the Mauryas* (Banaras, 1952), pp. 193-194.

54 *Geschichte der indischen Litteratur*, III, p. 507.

55 *L'Inde Classique*, Tome II (Paris, 1953), pp. 124-125.

must have originally formed part of a body of teaching handed down from generation to generation. But in view of the ancient method of oral transmission of all teaching, most of the earlier teaching, as transmitted in different schools, is no longer extant. The incorporation of all that teaching in the *Kauṭilīya Arthaśāstra* seems also to have been responsible for its disappearance in later times. The *Mahābhārata* seems to have preserved stray pieces from that ancient teaching. As Winternitz himself says, "Many pieces in the *Mahābhārata* appear as small Nītiśāstras or abstracts thereof."[56] There can be no reasonable doubt that the *Mahābhārata* has derived its material from early treatises on this śāstra. There is no reason, therefore, why the existence of a large mass of memorable verses, unconnected with any treatise, should be postulated.

While agreeing with Jacobi that politics and law were closely related, A. Hillebrandt has nevertheless expressed doubts about their being studied in the same schools. He has also questioned the existence of separate Arthaśāstra schools.[57] There does not appear to be any reason for such doubts. If, as indicated above, Dharmaśāstra was not primarily concerned with politics and law but derived its material on these topics from other sources, it must be supposed that these topics were originally studied in circles outside the Dharmaśāstra schools. Nor are there sufficient grounds for supposing that politics and law were not studied in the same schools. Nītiśāstra or Arthaśāstra was concerned with both from the start.

Batakrishna Ghosh, while reviewing Meyer's *Über das Wesen* etc., has questioned the existence of independent works on forensic law to which the Smṛtis could be indebted. He says, "We do not know of any such systematic work on law proper spoken of by Meyer," and adds, "However unpleasant the fact may be, we have to admit that Hindu law was never duly systematised and the administration of justice therefore always depended to some extent on the whims and caprices of the particular individual who was entrusted with this sacred task."[58] One may perhaps grant the operation of whims and caprices in some cases. An individual's predilections can nowhere always be kept out in the administration of justice. But it is hardly proper to assume that the administration of justice in ancient India was without the guidance of recognised law. Apart from *deśadharmas*,

56 *Geschichte* etc., III, p. 507.
57 ZDMG, 69 (1915), p. 364.
58 IHQ, V (1929), p. 371.

kuladharmas, *jātidharmas* and so on, which could not have been ignored by any administrator, since all texts insist on their due observance, there must have been in existence a body of civil and criminal law to which an appeal could be made in a court of law. As a matter of fact, the Smrtis do imply the existence of such law to which they feel indebted. The *Manusmṛti*, for example, refers to the king's duty to try the cases of litigants in accordance with procedure laid down in the śāstra (*śāstradṛṣṭaiḥ hetubhiḥ*, 8.3). Again, it refers to punishments for false testimony 'laid down by wise men' (*proktān daṇḍān manīṣibhiḥ*, 8.122). One cannot, therefore, reasonably deny the existence of clearly formulated law on the ground that texts containing that law have not come down to us. In fact, the Smṛtis, which appropriated this law from those texts, are themselves primarily responsible for their disappearance.

CHAPTER TWO

THE KAUṬILĪYA ARTHAŚĀSTRA: CONTENT AND FORM

THE *Kauṭilīya Arthaśāstra* contains fifteen adhikaranas or Books. Of these, the first five deal with what is called *tantra* or the internal administration of the state, the next eight deal with *āvāpa* or its relations with neighbouring states, while the last two are miscellaneous in character.

Book One deals with the equipment of the king for the performance of his duties as a ruler. It discusses such topics as the training of the king, the appointment of ministers and other officers of the state, the daily routine to be normally followed by the ruler and so on. Book Two principally describes the duties of the various executive officers of the state. It gives a fairly full picture of state activity in various fields. It also includes a discussion on such questions as settlement on unoccupied land, building a fort, laying out the capital and so on. Book Three, which is concerned with law and its administration, reproduces a complete code of law. Book Four deals with suppression of crime. It shows how to track and punish thieves, murderers, dacoits and other criminals. Book Five is rather miscellaneous in character. It dwells on measures that may be necessary in emergencies, describes the steps to be taken against seditious persons and lays down scales of salaries for the different categories of state servants. It also explains how a candidate for a high office in the state should endeavour to secure and retain it. Finally, it gives advice to the chief minister on ensuring continuity of rule on the demise of the ruling monarch.

Book Six, which is very short, enumerates the qualities which make each of the seven *prakṛtis* or constituents of the state ideal; it also describes the *rājamaṇḍala* or circle of kings as a preliminary to a discussion on the state's relations with its neighbours. Book Seven contains an exhaustive discussion on the way in which each of the six *guṇas* or measures of foreign policy may be used in the various situations that are likely to arise. The ultimate goal set before the ruler is conquest of the world. Consequently, we have a description of the various ways in which rivals may be outwitted by stratagem or overcome by force. Book Eight is concerned with *vyasanas*, that is, calamities, shortcomings or weaknesses affecting the various *prakṛtis*. It is necessary to overcome the *vyasanas* before any aggressive activity can be undertaken. Book Nine deals with preparations for war and

describes the kinds of troops that should be mobilised for an expedition, the proper seasons for starting on an expedition, the precautions to be taken and the dangers to be guarded against before starting and so on. Book Ten is concerned with fighting, and describes the camping of the army, its march, various modes of fighting, types of battle-array and other topics. Book Eleven, which contains a single chapter, explains how the *vijigīṣu* or would-be-conqueror should subjugate *saṁghas* or independent oligarchical principalities. Book Twelve shows how a weak king, when threatened by a stronger king, should frustrate the latter's designs and ultimately overcome him. Book Thirteen is mainly concerned with the conquest of the enemy's fortified capital by subterfuge or by fighting. It also describes how the conquered territories should be ruled by the *vijigīṣu.*

Book Fourteen describes various secret remedies and occult practices useful for getting rid of enemies or traitors. Finally, Book Fifteen defines and illustrates from the text itself the thirty-two *tantra-yuktis* or methods of treating a subject.

This brief glance at the contents of this work shows clearly that it deals exhaustively with all topics connected with internal administration and foreign relations, and that it sets before a ruler the goal of conquest of the world and describes ways of attaining that goal. These, as we have seen, are the declared aims of Arthaśāstra.[1]

The first Chapter of the work furnishes a detailed table of contents and enumerates the prakaraṇas in each adhikaraṇa. There is a statement, towards the end, that the śāstra contains 150 chapters, 180 prakaraṇas and six thousand ślokas in all.[2] Now, the present work itself is mainly in prose with only about three hundred and eighty ślokas or stanzas, mostly occurring at the end of the various chapters. How then are we to understand this statement about six thousand ślokas? One explanation would be that a śloka is to be understood as standing for a group of thirty-two syllables even if these be in prose. That is how copyists usually calculate the extent of a work. However, on a rough calculation it is found that the text contains less than five thousand such units of thirty-two syllables, so that 'six thousand ślokas' is not quite true of the extent of this text even on that basis. Moreover, it is doubtful if an author would himself compute the extent of his work in this manner, particularly when the work, though mainly in prose, contains at the same time a number of real ślokas. The work principally contains what may be called

1 See p. 2 above.

2 शास्त्रसमुद्देशः सपञ्चाशदध्यायशतं साशीति प्रकरणशतं षट् श्लोकसहस्राणीति । KA, 1.1.18.

sūtras in prose. Their number, together with that of the real ślokas, comes to about 5,370 in the new edition. It is about 6,880 in the Punjab edition of J. Jolly and R. Schmidt. It is doubtful if the statement about six thousand ślokas can be understood to refer to the number of sūtras in the text. The statement thus hardly appears to come from the author himself. It may be noted that the old Malayalam commentary (Cb) does not contain sūtra 1.1.18 in which the statement occurs nor the śloka that follows, 1.1.19, which attributes the composition of the text to Kauṭilya. However, the earliest available manuscript, that from the Patan Bhandar (D), contains the passage, indicating that it is fairly old. In the *Daśakumāracarita* of Daṇḍin, too, the present work is said to be 'abridged in six thousand ślokas.'[3] It would appear that the passage, 1.1.18-19, was already there in the present text when the *Daśakumāracarita* was written. It is, of course, also possible to argue that the remark about six thousand ślokas as the extent of this work was first made by the author of the *Daśakumāracarita*, and that it was from that work that the passage in question was derived. That possibility, however, appears to be remote. In any case, the statement about six thousand ślokas being the extent of the śāstra is not quite true of the present text. It seems reasonable to assume that it does not stem from the author himself.

On the strength of the discrepancy between this statement about six thousand ślokas and the actual extent of the text calculated on the basis of 32 letters to a śloka (which comes to about 4,800 ślokas), D. D. Kosambi has come to the conclusion that the printed text 'would have to be augmented by about twenty-five per cent in order to reach the original extent of the work.' He thinks that the original text 'has leaked away over the centuries for lack of application to current administrative problems,' and that 'small bits have disappeared from every portion.'[4] It is not possible to accept this very high estimate of the loss suffered by the text in course of transmission. Most manuscripts no doubt show here and there a sūtra missing or a line. But considering the extent of the work such lacunae are indeed remarkably very few. And in all such cases they can almost invariably be explained as being due to scribal errors. It must be remembered that the six thousand ślokas are stated to be contained only in the 150 adhyāyas and the 180 prakaraṇas mentioned at the same time. All these chapters and sections are preserved in the

3 इयमिदानीमाचार्यविष्णुगुप्तेन मौर्यार्थे षड्भिः श्लोकसहस्रैः संक्षिप्ता । *Daśakumāracarita*, VIII.

4 Preface to *A Fragment of the Koutalya's Arthaśāstra alias Rājasiddhānta*, edited by Muni Jina Vijaya (Bharatiya Vidya Bhavan, Bombay, 1959), pp. 4-5. The Preface had earlier appeared with a slight variation in JAOS, 78 (1958), pp. 169-173 under the title 'The Text of the Arthaśāstra'.

present text. The leakage, if it is to be assumed to have taken place, must be supposed to have occurred in these chapters themselves. The leakage of a whole chapter or a section cannot be assumed. Now, if we look at the contents of the various chapters as they have come down to us, we find that the treatment of the topics in practically all cases is so full that it is difficult to conceive that each chapter originally contained on an average twenty-five per cent more material on its subject-matter. Consider Book Three, for instance. It is concerned with law, a topic dealt with also in the Smṛtis. A comparison with the Smṛtis of Manu and Yājñavalkya shows that there is no single topic dealt with in the latter, of which we do not find a full, exhaustive treatment in the present work. In fact, in many cases, as for example in the treatment of the relations between husband and wife or of the question of slaves and workmen, we have a far more detailed discussion in this text than is to be found in the Smṛtis. It is, therefore, not at all possible to imagine what the twenty-five per cent, supposed to have leaked away from this Book, could have been about. Or consider Book Seven, which is concerned with the topic of foreign relations. The discussion here takes into account all possible situations in this connection in such an exhaustive manner that it seems quite unlikely that originally there was twenty-five per cent more of it in the text. The same can be said of most of the other Books. We never get the impression that there is a serious lacuna anywhere in the text.

However, in illustration of his point Kosambi refers to two places in the text where he thinks original matter seems to have dropped out in the course of transcription. The first is the passage 1.7.3-7, where the question of the relative importance to be attached to *dharma*, *artha* and *kāma* by the ruler is discussed. Kosambi is of the opinion that the text which precedes the statement of Kauṭilya's own view appears disjointed for lack of some discussion of *dharma*, *artha* and *kāma* in relation to each other and that therefore such a discussion was absolutely required, the conclusion apparently being that such a discussion which was originally there came to be dropped in the course of transcription.[5] But if this means that a discussion of the nature of each of the three goals of life, of what each of them stands for, of how far they are mutually contradictory or reconcilable and so on, was expected in this place, one can hardly agree. These three conceptions have been taken for granted in the text. The question with which the text is concerned in this place is how the ruler, whose responsibilities are quite different from those of an ordinary person, should conduct himself in the matter of the pursuit of these three ends

5 *Loc. cit.*, p. 7.

of life. Three different views are stated on this question, the last of them being attributed to Kauṭilya himself. There was no need for a general discussion of the nature of the three, or of their mutual relationship.

The other instance suggested by Kosambi is that concerning tactics to be employed by the four arms, *patti, aśva, ratha* and *hastin*, which he thinks are not sufficiently developed in the text as it has been preserved.[6] Now, we find that the text gives a long list of the functions (*karmāṇi*) to be carried out by the four arms during war in Section 154 (Chapter 10.4). It also enumerates in Section 157 (Chapter 10.5) the different modes of fighting (*yuddhāni*) appropriate to the four arms. The text also discusses the question of terrains suitable for fighting for the four arms (10.4). And it describes in full the tactics to be used against enemy troops in the course of actual fighting (10.3.1-25: *kūṭayuddhavikalpāḥ*). Under the circumstances it is very difficult to see what other material could possibly have been there about tactical considerations, which apparently came to be dropped out because 'the structure and purpose of the army changed' in later times. As a matter of fact, the plea that portions of the text leaked away because of inapplicability to conditions of a later age can hardly be sustained. A great deal of what is actually preserved in the present text, both in the administrative sphere as well as in the sphere of foreign relations, must have ceased to be applicable in later times. And if the argument about loss of text due to 'lack of application to current administrative problems' had really any validity, a very large part of Book 2, for example, or Book 11 in its entirety should also have been lost. The fact is that the statement about six thousand ślokas is an extremely rough guess and cannot be regarded as a trustworthy guide. As remarked above, it could hardly have been made by the author himself.

Kosambi has also suggested that there is a discrepancy in the number of sections as enumerated in the table of contents (1.1) in the Devanagari manuscript (D) and the other manuscripts. The former is supposed to give a list of 184 prakaraṇas, with the addition of seven more (Book Two: three, Book Seven: one, Book Ten: one and Book Fourteen: two), and with the omission of one each from Books Three, Nine and Thirteen. It is surmised that the extra prakaraṇas in D contained additional matter equivalent to about 250 Anuṣṭubh ślokas.[7] But the discrepancy is altogether illusory. The supposed omissions appear to be so merely because of the failure on the part of the scribe to put the mark of the stop (*daṇḍa*) between the

6 *Loc. cit.*, p. 7.
7 *Loc. cit.*, p. 6.

names of two adjoining prakaraṇas, namely, between *asvāmivikrayaḥ* (Section 69) and *svasvāmisaṁbandhaḥ* (Section 70) in the case of Book Three, between *dūṣyaśairusaṁyuktāḥ* (Section 144) and *arthānarthasaṁśayayuktāḥ* (Section 145) in Book Nine, and between *upajāpaḥ* (Section 171) and *yogavāmanam* (Section 172) in Book Thirteen. There is not the slightest difference in actual fact between D and the other manuscripts. The so-called addition in Book Ten is, on the other hand, due to the scribe wrongly putting the *daṇḍa* after *pakṣakakṣorasyānām*. This expression cannot by itself be the name of a prakaraṇa. It must be read with what follows, viz., *balāgrato vyūhabhāgaḥ* to form a single prakaraṇa (155). In Book Seven the additional *saṁdhāyaprayāṇakam* is nothing but the *saṁhitaprayāṇikam* of the other manuscripts. This latter has been inserted in the edition of the Devanagari fragment on the authority of those other manuscripts. If both these names are assumed to have been there in the manuscript, one of them has to be regarded as due to a scribal error, for the two are not concerned with two different things. As for the two additional names in Book Fourteen, namely, *adbhutotpādanam* and *mantrabhaiṣajyaprayogaḥ*, these are merely names of the two sub-sections which form part of the prakaraṇa (178) called *pralambhanam*. As the colophons of Chapters 14.2 and 14.3 clearly show, they are not names of independent prakaraṇas, but merely the two aspects of *pralambhana*. In incorporating the two sub-sections here, the scribe seems to have been influenced by the colophons of the Chapters. In any case the two could not have been about anything different from what is found in these Chapters. The same is true of one of the additions in Book Two. We have in D -*vyavahāraḥ* after *śulkādhyakṣaḥ* (Section 39). This stands for *śulkavyavahāraḥ*, a sub-section of that prakaraṇa, as a reference to the colophon of Chapter 2.22 clearly shows. The supposed additional section could not have been about anything else but what is contained in that Chapter. The other two 'additions' in Book Two are entirely due to scribal errors. Manuscript D shows *kośaprāveśaḥ* and *ratnaparīkṣā* as two separate sections. There can be no doubt that this is wrong, and that we have to read -*prāveśyaratna*- together as in the other manuscripts. The inspection of gems etc. is connected with their being received in the treasury; *kośaprāveśaḥ* by itself has no significance. The same is true of *akṣaśālā* and *suvarṇādhyakṣaḥ* read separately for *akṣaśālāyāṁ suvarṇādhyakṣaḥ*. As sūtra 2.13.1 shows, it is the *suvarṇādhyakṣa* who gets the *akṣaśālā* built. The latter could not have been an independent topic for a prakaraṇa. Again, the illegible title in Book Two was evidently nothing new, but only *sūtrādhyakṣaḥ*, which the scribe seems to have read after *sītādhyakṣaḥ* (wrongly read as *sīmādhyakṣaḥ* there) instead of before it. There is

thus no justification whatever for assuming that there is any real discrepancy in the number of prakaraṇas as enumerated in manuscript D and in the other manuscripts. In fact, the former manuscript also gives the same total for the number of prakaraṇas, namely, 180. There is therefore no scope for any conjecture about a possible loss suffered by the text as a result of prakaraṇas supposedly missing from the other manuscripts.

There is another slight discrepancy in the statement in sūtra 1.1.18. It says that the work contains 150 adhyāyas or chapters and 180 prakaraṇas or sections. In these calculations the first Chapter itself is taken into consideration when counting the number of chapters, but not when counting the number of sections. For, the 180 prakaraṇas are contained in the following 149 chapters, the first Chapter itself containing no prakaraṇa. It is difficult to see how the 180 sections have been made to correspond to 150 chapters. Perhaps the first Chapter giving the table of contents was regarded as suitable for constituting a separate chapter, though it contained no section dealing with the actual śāstra. The possibility that one of the longer chapters is the result of two adjacent but originally separate chapters getting combined together in course of time does not appear to be great. In any case, this circumstance raises further doubts concerning the genuineness of this passage.

That the work should be divided into prakaraṇas as well as adhyāyas is itself rather unusual. Of the two, the former division appears more natural. A prakaraṇa, as a rule, deals with some clear-cut, specific topic of the śāstra. An adhyāya, on the other hand, does not always deal with a single topic. Sometimes a long prakaraṇa is spread over two or more adhyāyas, as is the case, for example, in Chapters 1.2-4, 3.2-4, 7.9-12 and so on. In a few cases, a number of small prakaraṇas are included in a single adhyāya as, for example, in Chapters 7.4, 8.4, 9.2 and so on. A few prakaraṇas, in fact, contain only a single sūtra each, as for example 104 and 106 (in 7.4), 131 and 132 (in 8.4). Though the topics are clear-cut, their treatment is, in the nature of things, not extensive. In a few cases, the demarcation line between two adjacent prakaraṇas is not clear, for example, between 140 and 141 (in 9.3), 166 and 167 (in 12.4) and so on. The topics are so closely related that their treatment cannot be separated. Nevertheless, there can be no doubt that the division into prakaraṇas is more natural, being germane to the science. The other division has a practical aim, namely, to present the text in more or less equal divisions convenient for purposes of study, adhyāya being the same as *adhyayana*, i.e., study. It may be argued that the former division being natural is original and

that the division into chapters was imposed on it later.[8] However, it is not altogether unlikely that the two-fold division stems from the author himself, who may be supposed to have intended that his work, besides being suitably divided into sections, should also be the object of study by others.

The possibility that the passage 1.1.18-19 was added to the text by a later hand would lead one to suppose that there may be other similar additions made to the text in later times. And it cannot be denied that a few such additions or interpolations can be traced in the text as it has come down to us. Very often such interpolations are the result of some remark or comment made in the margin finding its way into the text on a fresh copy being made from that manuscript. Sometimes parts of a commentary manage to get into the text in this way. The present text shows instances of such accretions. Very curiously, so old a manuscript as the Devanagari fragment D shows some clear cases of such additions getting into the text, and considering the extent of the fragment, they are, without doubt, comparatively far too many. These are found at 1.15.61, 1.19.7 and 33, 1.20.15, 2.2.16 and 2.3.20. There can really be no doubt about these being later additions. However, in the course of the discussion of the differences between manuscript D and the other manuscripts, Kosambi has suggested that this additional material found in D is original and that it came to be lost in the other manuscripts during the period of at least six centuries which separates them from that manuscript; the loss is considered as due to 'long neglect and progressive dying out of tradition.'[9] It is quite impossible to accept such a view. Furtunately, the commentary of Yogghama on Chapters 2.2 and 2.3 is available and is printed along with the edition of the manuscript D. It clearly shows that the passages in the latter found at 2.2.16 and 2.3.20 are actually derived from that commentary. Yogghama clearly reproduced some mnemonic verses (7 ślokas in the first case and 8 in the second) in elucidation of the text. If these verses had really belonged to the text of the *Arthaśāstra,* Yogghama would naturally have provided a commentary on them. But there is no commentary on them by him, as a reference to pp. 12-13 and 20 of the printed commentary will show. The additional passages at 1.19.7 and 1.20.15 are also so obviously derived from some commentary that they cannot by any stretch of imagination be regarded as part of the original text. Even assuming that the work contains both sūtra and bhāṣya (about which more later), we nowhere

8 Cf. A. B. Keith, *A History of Sanskrit Literature*, 2nd ed. (Oxford, 1941), p. 452, "There is the possibility that this division (into adhyāyas) is secondary, possibly also the verses which mark it out."

9 Preface to the edition of the Devanāgarī fragment, pp. 3-4.

else find in any supposed bhāṣya portion of the text such expressions as *tadeva āha*, *atideśam āha*, *uttaratra anuvartate*, etc., which we find in these passages and which are characteristic only of a commentary. The two ślokas after 1.15.61 are apparently quotations from Bṛhaspati, being introduced with the words *tathā ca Bṛhaspatiḥ*. Nowhere else do we find in this text any earlier authority quoted in this manner. Though the opinions of the Bārhaspatyas are frequently quoted, Bṛhaspati himself is nowhere mentioned by name, except in the salutation at the beginning of the work. The whole passage is clearly derived from a marginal gloss or some commentary like that of Yogghama. This is equally true of the śloka at 1.19.33 which is introduced with the words *tathā coktam*. There is thus not the slightest reason for supposing that the Devanagari manuscript has, in these places, preserved portions of the original text, which came to be lost in the centuries following the age of that manuscript. That manuscript, no doubt, is older than the other manuscripts and in numerous cases provides better readings. Nevertheless, it is quite indisputable that it somehow shows additional material that could not possibly have been original. For its size the fragment preserved shows far too much contamination with commentarial matter. Not only does it not provide any evidence of a whittling down of the original text due to neglect or dying out of tradition, but it contains clear proof of the original text being added to in course of time.

Similar additions to the text, probably going back to a much older age, may also be traced in other places. Already in 1912 H. Jacobi had suggested that the prose mantra which comes after the last stanza in Chapter 14.1 is probably a gloss intended to supplement the Agni-mantra mentioned in that stanza.[10] Jacobi, however, believed that this text, like the *Nirukta* and the *Mahābhāṣya*, was held in high esteem and therefore was 'saved also from the hand of the meddlesome interpolator.'[11] But there can be little doubt that the text does show a few later additions. Some of these have been pointed out by J. J. Meyer in the course of the notes to his German translation of the text. A reference may be made to a few of these and other likely additions.

1. After the enumeration of the *pratiloma* castes which include the Sūta and the Māgadha, we read: "The Sūta and the Māgadha of the Purāṇas are, however, different; there is distinction from the Brāhmaṇa and the Kṣatriya."[12] A comment in this form is little likely from the author himself. And the expression itself is grammati-

10 'The Authenticity of the Kauṭilīya' in IA, 47 (1918), p. 192, n. 13.
11 *Loc. cit.*, p. 195.
12 पौराणिकस्त्वन्यः सूतो मागधश्च ब्रह्मक्षत्राद्विशेषः । KA, 3.7.29.

cally very odd. It is an obvious comment by some one else which has crept into the text from the margin.

2. After the rule that the mixed castes should follow their own profession or that of the Śūdra, we read : "Only by acting in this manner does the king attain heaven ; else he goes to hell."[13] There is no occasion for such a statement here. In the preceding sūtras there is no reference to any particular conduct recommended for the king. This again appears to be a comment in the margin getting into the text.

3. In the Section on physical injury, we read: "He should cause that limb with which a Śūdra strikes a Brāhmaṇa to be cut off. In case he menaces him with it, redemption (by payment of a fine may be allowed) ; in case he touches him with it, half the fine (shall be imposed). By that are explained Caṇḍālas and (other) impure persons."[14] As Meyer has pointed out, the sūtras are out of context. After dealing with *sparśana* 'touching' in the preceding sūtras, the author should have proceeded first to *avagūrṇa* 'menacing' and then to *prahata* 'striking'. That is done in the sūtras that follow this passage. The reference to *abhi-han* in it violates the context. Moreover, the reference to the two *varṇas* alone is strange. We expect all the four *varṇas* and the *antāvasāyins* to be referred to as in 3.18.7. Besides, the special animus against the Śūdra is foreign to the spirit of this work. The passage seems to have been added at a later date on the basis of Yājñavalkya, 2.215 and Manu, 8.279-284.

4. Towards the end of the Chapter on torture for obtaining a confession from a suspect, we read : "In all offences, a Brāhmaṇa shall not be harassed. On his forehead (shall be branded) the mark of the guilty for excluding him from all dealings : (the mark of) a dog in case of theft, a headless trunk in case of murder, the female organ in case of violation of an elder's bed and the emblem of the vintner in case of drinking liquor."[15] These sūtras are clearly out of place in this Chapter, since they lay down actual punishment for the four heinous offences. The passage seems to have been added on the basis of Manu, 9.237, where, however, branding is recommended for all *varṇas*, not Brahmins alone.

5. In connection with the preparations for actual fighting, we read: "Collecting the troops together, he should address them, 'I

13 केवलमेवं वर्तमानः स्वर्गमाप्नोति राजा, नरकमन्यथा ! KA, 3.7.38.

14 शूद्रो येनाङ्गेन ब्राह्मणमभिहन्यात् तदस्य च्छेदयेत् । अवगूर्णे निष्क्रयः, स्पर्शेऽर्धदण्डः । तेन चण्डालाशुचयो व्याख्याताः । KA, 3.19.8-10.

15 सर्वापराधेष्वपीडनीयो ब्राह्मणः । तस्याभिशस्ताङ्को ललाटे स्याद् व्यवहारपतनाय, स्तेये श्वा, मनुष्यवधे कबन्धः, गुरुतल्पे भगम्, सुरापाने मद्यध्वजः । KA, 4.8.27-28.

receive an equal wage; this kingdom is to be enjoyed (by me) along with you. Being asked by me, you should strike down the enemy.' Even in the Vedas it is stated on the occasion of the concluding baths of sacrifices, in which the fees have been fully received, 'That shall be your condition (after death) which brave men attain.' Moreover, there are two ślokas in this connection: 'Brave men, giving up their lives in good battles, in a moment reach even beyond those (worlds), which Brāhmaṇas attain by a large number of sacrifices, by austerities and by gifts to worthy persons. A new pot, full of water, well consecrated and with an upper clothing made of *darbha* grass,—may this not fall to the lot of him and may he go to hell, who does not fight in return for the food obtained from the master.' Through the mantrin and the purohita, he should enthuse the soldiers with the excellence of his battle-array."[16] In this passage, sūtras 28-31 do not appear to be genuine. It seems that the king's exhortation is over in sūtra 27, as shown by the *iti* at the end. It is little likely that a comparison with successful sacrificers would be made on the battlefield as in sūtra 28. Still less likely is the quotation in sūtras 29-31. It is inconceivable that the king or any one else would use the expression *apīha ślokau bhavataḥ* when addressing soldiers on the battle-field. Such quotations would be in order only in literary works while quoting from earlier authorities. This again is a case of a comment in the margin getting into the text.

6. After the description of a treaty without stipulations, we read: "As to that, the following is found: The wise (conqueror), after making a neighbouring prince engage in fight with (another) neighbouring prince, should then seize the territory of another after cutting off his party on all sides."[17] The śloka is unconnected with the preceding passage. Moreover, its introduction with the words *tatraitad bhavati* is quite unusual.

16 संहत्य दण्डं ब्रूयात् 'तुल्यवेतनोऽस्मि, भवद्भिः सह भोग्यमिदं राज्यम्, मयाऽभिहितैः परोऽभिहन्तव्यः' इति ।२७। वेदेष्वप्यनुश्रूयते समाप्तदक्षिणानां यज्ञानामवभृथेषु 'सा ते गतिर्या शूराणाम्' इति ।२८। अपीह श्लोकौ भवतः । २९ ।—

'यान् यज्ञसंघैस्तपसा च विप्राः स्वर्गैषिणो पात्रचयैश्च यान्ति ।
क्षणेन तानप्यतियान्ति शूराः प्राणान् सुयुद्धेषु परित्यजन्तः ॥३०॥
नवं शरावं सलिलस्य पूर्णं सुसंस्कृतं दर्भकृतोत्तरीयम् ।
तत्तस्य मा भून्नरकं च गच्छेद्यो भर्तृपिण्डस्य कृते न युध्येत् ॥३१॥'

इति । मन्त्रिपुरोहिताभ्यामुत्साहयेद्योधान् व्यूहसंपदा ॥३२॥ KA, 10.3.27-32.

17 तत्रैतद्भवति ।—

सामन्तेनैव सामन्तं विद्वानायोज्य विग्रहे ।
ततोऽन्यस्य हरेद्भूमिं छित्त्वा पक्षं समन्ततः ॥ KA, 7.6.14-15.

7. The case of 7.9.37-49 appears to be quite similar. There we have twelve ślokas introduced with the words *tatraitad bhavati*. The ślokas contain definitions of various types of allies. Some of the types are referred to elsewhere and their definitions are not quite necessary, while other types are not mentioned elsewhere. Much of this appears to be an unnecessary elaboration.

It is possible that apart from the passages indicated above, there may be a few other sūtras that are of doubtful authenticity. But considering the extent of the work, the interpolations do not appear to be either extensive or significant. Of a wholesale incorporation of later material there does not appear to be any indication at all. However, A. Hillebrandt has expressed doubts about the genuineness of the fourteenth adhikaraṇa, which appears to him like an appendix to the *Kauśika Sūtra*.[18] Notwithstanding the nature of the contents of this Book, however, there do not appear to be sufficient grounds for such doubts. As we have seen, the purohitas, who were expected to be experts in the magical practices of the Atharvaveda,[19] were the founders of Arthaśāstra. It need not be surprising if they incorporated a description of these practices in their teaching. Besides, the use of such secret practices is recommended in many places in this text.[20] A description of these was naturally expected for the sake of completeness.

A similar doubt can be entertained about the genuineness of the fifteenth adhikaraṇa, which enumerates and illustrates the thirty-two *tantra-yukti*s.[21] These constitute the various methods in which the śāstra is treated. Some of them are concerned with the contents of the text; for example, *upadeśa* 'advice or instruction', *apadeśa* 'quotation' of some one's opinion, and so on. But the majority refer to stylistic peculiarities natural in a work professing to expound a śāstra. Thus we have *upamāna* 'analogy', *nidarśana* 'illustration', *arthāpatti* 'implication', *vyākhyāna* 'special emphasis', *nirvacana* 'etymological explanation', *pūrvapakṣa* and *uttarapakṣa* 'the prima facie view' and 'conclusion' respectively, and so on. These *yukti*s show an awareness of the various devices which the author of an expository work will find himself bound to use if he is to make it systematic as well as interesting. Similar lists of *tantra-yuktis*, with slight variations, are found in Caraka and Suśruta, the two earliest medical Saṁhitās. It is not necessary to suppose that they are original in either of the Saṁhitās. It seems rather that the *yukti*s were formulated independently of any particular

18 *Altindische Politik* (Jena, 1923), p. 156.

19 आपदां दैवमानुषीणामथर्वभिरुपायैश्च प्रतिकर्तारम् । KA, 1.9.9.

20 Cf. 4.3.13, 7.1.32, 7.15.12, 9.1.15 etc.

21 Cf. D. R. Bhandarkar, *Some Aspects of Ancient Hindu Polity* (Benares, 1929), pp. 62-68.

śāstra, but came to be incorporated in works on different śāstras. And if we assume, as we may reasonably do, that the *yuktis* were known when the present text was written, their mention in it would appear quite natural, and there would be no need to consider the Chapter in which they occur as a later addition.

K. Nag finds that the exposition in the sections on diplomacy (i.e., in adhikaraṇas 6 and 7) is more homogeneous than elsewhere and the order perfectly logical.[22] The implication that these two Books show a difference in style and method and consequently a difference in authorship and date can hardly be accepted. The entire text, in fact, appears to be composed on a well thought-out single plan. Matters of internal administration are dealt with first, questions of foreign relations, war and conquest being considered afterwards. We are able to discern a near-perfect order in the arrangement of the topics, not only as between the various adhikaraṇas, but in each single adhikaraṇa as well. Only the fifth adhikaraṇa does not appear homogeneous in character. But that is because some of the topics of internal administration are by their nature such that they cannot be brought under any broad head of discussion. The second adhikaraṇa also may appear to be lacking in ' logical ' order. But in the description of the activity of the various state departments, one can hardly think of a more rational arrangement of topics than is to be found here. As regards the other Books, one will not find anywhere else a more logical order in the treatment of topics than the one we find, for example, in the legal code in Book Three, in the discussion of the *vyasanas* in Book Eight, in the description of the preparations for war in Book Nine and so on. There can thus be no distinction made in the different adhikaraṇas from the point of view of homogeneity or orderliness in the treatment of topics.

Pran Nath has referred to the fact that many prakaraṇas in the present text are not to be found in Kāmandaka's *Nītisāra*, that the order of the sections is different in the two works and that on some topics, e. g., on *kaṇṭakaśodhana* or suppression of criminals, Kāmandaka differs to a great extent from the present text. From this he concludes that the present text was originally in verse and that the order of the prakaraṇas in that original work was different.[23] It is extremely doubtful if any valid conclusions can be drawn regarding the order of prakaraṇas in this text from a comparison with Kāmandaka's work. The latter is no doubt based on the present text. But there is nothing to show that Kāmandaka intended to follow the present work in every detail or to stick rigorously to the order of its treatment. He omits

22 *Les Théories diplomatiques de l'Inde ancienne et l'Arthaçâstra* (Paris, 1923), p. 114.

23 IA, 60 (1931) p. 173.

a great deal, modifies the original in some places, while sometimes he adds material derived from other sources like the *Manusmṛti* (as in 1.15), the teaching of the Vaiśeṣikas (as in 1.28-37) or some other untraced sources (as in 8.26-59, 9.24-42, 14.1-17 etc.). There can be no doubt that for a full treatment of the śāstra, the arrangement of the topics in the present text is far more natural than that in Kāmandaka's work.

The other suggestion of Pran Nath that this text was originally written in verse and was later changed to prose was already made before him by D. R. Bhandarkar. The latter had referred to what he regarded as the difference between the subject-matter of the *Arthaśāstra*, which is 'Mauryan or pre-Mauryan', and the style of its composition, which "belongs to the early period of the Christian Era."[24] That the work was originally in verse is shown, according to him, by the evidence of the *Daśakumāracarita*. And since the prose version was in existence before the time of Bhavabhūti, who quotes a prose sūtra from this work in his *Mahāvīracarita*, he concluded that the transformation of the work from verse to prose took place in about the fourth century A.D. and that both the metrical and prose versions of the text were current simultaneously for about two or three centuries. The reason for making this change in the form of the work was, according to him, the circumstance that Kauṭilya's work had become a *darśana* or a school and the fact that every school had to have its work in the sūtra form.[25]

This reasoning appears to be based on extremely shaky foundations. The reason suggested for the supposed change is hardly acceptable. Kauṭilya's work is not a *darśana* in the sense in which the philosophical schools are *darśanas*. And there is no reason for assuming that this work was the object of only sporadic study by individuals during many centuries after its composition and that in the fourth century A.D. or thereabouts it became a *darśana* and only as such a subject of study in a school. As a matter of fact, there does not appear to be any valid motive for the supposed transformation of a metrical work into prose. One can understand the versification of a prose work, since it helps memorizing. A possible motive could be abridgment; but the present work is not an abridgment. And if a metrical work was changed to prose, it is difficult to see why some three hundred and eighty ślokas which are found in the present text should have been retained in the prose work. Moreover, the view that the style of composition of this work belongs to the fourth century

24 ABORI, VII (1927), pp. 77, 84.
25 *Loc. cit.*, p. 88.

A.D. or so is also unacceptable. In style the present work belongs to the period of the early sūtra works, such as the *Gṛhyasūtras* and the *Dharmasūtras*. Its style is in no way comparable to the more or less cryptic style of the philosophical sūtras of a later age.

However, though the view that the present work itself was originally written in verse and was later turned into prose is unacceptable, it seems possible to suppose that it is based on sources that were in the main metrical in form. As Keith remarks, "Doctrines of *artha* seem early to have found, like those of *dharma*, expression in didactic verse."[26] It may be assumed that the writings of the earlier teachers, which were admittedly used in the preparation of this text, abounded in verses, perhaps were entirely metrical in form. A large number of stanzas in this work appear to have been taken over from these earlier works, and do not appear to be composed by the author himself. Such appears to be the case with the stanzas at the end of many chapters, e. g., 3.1.38-47 (apparently derived from divergent sources), 2.12.35-37, 2.13.60-61, 2.24.31-33 and other places. Sometimes, as in 3.3.32, 5.3.47 and 7.6.40-41 the ślokas appear unrelated to the topics discussed in the respective chapters, suggesting that they are not the work of the author. Even in the forty odd cases where the concluding ślokas contain a sort of summing up of the discussion in prose which precedes them, they may well have been taken over just as they were found in the earlier sources. It is to be noted in this connection that two entire prakaraṇas, namely, 102 and 134, are in verse only. But they form at the same time the concluding verses of Chapters 7.3 and 8.5 respectively. It would be reasonable to suppose that the author has allowed these prakaraṇas to remain in verse just as he found them in his sources. Concerning the few stanzas found in the middle of a discussion in prose, there can be little doubt that they are taken over from earlier sources. Such is clearly the case with 2.12.10 (describing the process for softening metals), 2.24.9-10 (describing the kind of rain that is beneficial to crops), 2.24.26 (giving a recipe for keeping snakes off the fields), 2.24.27 (the mantra to be recited at the time of the first sowings), 7.5.19-27 (enumerating the causes that lead to disaffection among the subjects), 7.13.24-25 (describing the three types of *pārṣṇigrāha*) and the numerous metrical recipes and mantras in Book 14. Four stanzas occur in what appear as quotations from earlier authorities. Thus 1.8.9 is attributed to the Pārāśaras, 1.15.17 and 5.6.31 to Bhāradvāja, and 1.15.22 to Viśālākṣa. There is no reason to doubt that these stanzas are taken over from works ascribed to these teachers. And it seems quite likely that the prose part accompanying these four stanzas is due to our author, being abstracted by him from verses in

26 *A History of Sanskrit Literature* (Oxford, 1941), p. 451.

the earlier works. We find, in one place, what may be regarded as an illustration of the author's practice of turning the original verses into prose. Towards the end of Chapter 4.12 we have first a statement in two prose sūtras to the effect that a man who rescues a woman from enemy troops, foresters, floods etc. may enjoy her as agreed to beforehand, unless she belongs to a higher caste or has children or is unwilling, in which case he should be satisfied with a monetary reward instead.[27] Then follow three ślokas which repeat the same rule but add the proviso that the woman should not have been rescued through the power of the king or the efforts of her own kinsmen.[28] The proviso implies that the rule does not apply when the rescuer happens to be a state servant or a kinsman of the woman. The wording of the rule in the two places is so closely similar that one of them must be supposed to be derived from the other. It is, of course, possible to argue that the rule in prose is original and that the extra proviso in the ślokas is a later addition. However, in view of the possibility that a number of ślokas occurring at the end of chapters in this text are derived from earlier sources, it seems more likely that these ślokas too are similarly derived, the prose being due to our author. If the prose were to be regarded as original and the ślokas as based on it, it would be difficult to understand why the rule in prose should have been retained.

Although quite a number of ślokas appear to be borrowed from earlier sources, it does not, of course, mean that all the ślokas in this text are derived from earlier sources. Many of them are obviously by the author himself. Ślokas 1.10.16-20, in which Kauṭilya in his own words criticises the views of the earlier teachers about the secret tests, must be regarded as composed by him. So, too, the ślokas in Chapter 2.10 (containing the Section on royal decrees), which is definitely attributed to Kauṭilya, must be supposed to have been composed by him. Probably the concluding ślokas in those cases where they are syntactically connected with the preceding prose (namely, 1.8.29, 1.15.60-61, 2.18.20, 4.2.36, 7.5.45, and 9.3.42) are also by him. Some other concluding ślokas may also be ascribed to him.

27 परचक्राटवीहृतामोघप्रव्यूढामरण्येषु दुर्भिक्षे वा त्यक्तां प्रेतभावोत्सृष्टां वा परस्त्रियं निस्तारयित्वा यथासंभाषितं समुपभुञ्जीत । जातिविशिष्टामकामामपत्यवतीं निष्क्रयेण दद्यात् । KA, 4.12.36-37.

28 चोरहस्तान्नदीवेगाद् दुर्भिक्षाद्देशविभ्रमात् ।
निस्तारयित्वा कान्ताराग्नष्टां त्यक्तां मृतेति वा ॥
भुञ्जीत स्त्रियमन्येषां यथासंभाषितं नरः ।
न तु राजप्रतापेन प्रमुक्तां स्वजनेन वा ॥
न चोत्तमां न चाकामां पूर्वापत्यवतीं न च ।
ईदृशीं त्वनुरूपेण निष्क्रयेणापवाहयेत् ॥ KA, 4.12.38-40.

That some of the sources of the present work were in verse appears likely for another reason also. The *Mahābhārata* in some places quotes what are called ślokas or gāthās from the śāstras of Bṛhaspati and others. Thus we read : *Bārhaspatye ca śāstre vai ślokā viniyatāḥ purā* (12.56.38); *api gāthām imāṁ cāpi Bṛhaspatir abhāṣata* (12.23.14); *bhagavān Uśanā cāha ślokam atra viśāmpate* (12.57.2); *asminnarthe ca gāthe dve nibodhośanasā kṛte* (12.136.184); *Prācetasena Manunā ślokau cemāvudāhṛtau* (12.57.43) and so on. One may reasonably conclude that the works of these authors known to the *Mahābhārata* were in verse. The possibility that the *Mahābhārata* itself has versified the original prose of these authors does not appear to be very great. One may, therefore, take it that the works of Bṛhaspati and others on which the *Kauṭilīya Arthaśāstra* is based were in verse. T. Ganapati Sastri has drawn attention to Viśvarūpa's commentary on Yājñavalkya, 1.328, where a śloka from Viśālākṣa is quoted, though two passages from Bṛhaspati quoted in the same commentary on 1.307 and 323 are in prose.[29] One cannot be sure that these are quotations from those early works of Bṛhaspati and Viśālākṣa which were presumably known to the *Mahābhārata* and the present text.

That the earlier works should have been in verse is not surprising. The tendency in ancient India to versify the teaching in many branches of learning, particularly if they had a practical use or application, is well known. Versification is useful for memorizing. Meyer has argued that secular law was originally in verse.[30] That was most probably also the case with politics and administration.[31] The present text is in prose probably because it is intended as an abstract of the entire earlier teaching on the subject. Perhaps *saṁhṛtya* in 1.1.1 implies this. Daṇḍin's *saṁkṣiptā* in the description of this work also seems to suggest only the same.

A stanza found in the manuscripts after the final colophon of the work contains the statement that Viṣṇugupta composed both the sūtra and the bhāṣya himself as he found that Bhāṣyakāras or commentators on śāstras often differed in their interpretations.[32] The stanza is obviously a tag added by some later hand. However, the view that the present text contains sūtras as well as bhāṣya has been generally accepted. The commentators, in fact, usually look upon the titles of the various prakaraṇas as the sūtras and the entire contents of the chapters as the bhāṣya on those sūtras.

29 Introduction to the Trivandrum edition of the text, Vol. I, pp. 5-6.
30 *Über das Wesen der altindischen Rechtschriften* etc. (Leipzig, 1927), p. 381.
31 Cf. Keith referred to in n. 26 above.
32 दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥

Such a view is quite untenable. The titles of the one hundred and eighty prakaraṇas are so clearly marked out as such that they cannot be regarded as sūtras in any accepted sense of that term. One cannot accept the position that there are only 180 sūtras in the present work, the rest being all bhāṣya. The chapters in fact contain not bhāṣya, but a full and independent treatment of the topics named in the prakaraṇa-titles.

Besides, we nowhere get the impression that a particular sentence is a sūtra and that what follows is a bhāṣya on the same. There are, in many places, enumerations followed by definitions or explanations of the same. But that is the method of this as of other śāstras. The definitions or explanations cannot be regarded as a bhāṣya on the sūtra containing the list of the things defined or explained. For example, it is not possible to maintain that 7.6.24-29 is a bhāṣya on 7.6.23 which enumerates the four kinds of deserters, or that 10.6.4-7 is a bhāṣya on 10.6.3 which enumerates the four kinds of battle-arrays, or that 2.29.2-15 is a bhāṣya on 2.29.1 which enumerates the various things to be noted in connection with the care of cattle-herds.

A bhāṣya on a sūtra work usually takes every word in the sūtra and explains it fully, often justifying its use in that sūtra. Patañjali's *Mahābhāṣya*, for example, not only explains the words in *Pāṇini's* sūtras, but often critically investigates the reason for the use of a particular word in a sūtra.[33] The same is more or less true of the *Bhāṣyas* of Śabara, Praśastapāda, Vātsyāyana and others. Of a bhāṣya of this kind there is no trace in the present work. The fact is that though many scholars have assumed that it contains both sūtra and bhāṣya, no serious attempt has ever been made to point out which is the sūtra and which the bhāṣya thereon. There can be little doubt that the work contains only sūtras and no bhāṣya. The statement in the above-mentioned stanza that it contains both is clearly wrong. The stanza is a very late tag added after the last colophon of the work and has little value.

Jacobi has stated that alongside of sections in which the author attempts the shortness of the sūtras, there are others where the author indulges in a certain amount of breadth and prolixity after the manner of the Bhāṣyas.[34] This implies that two different styles are noticeable in this work, the succinct sūtra style on the one hand and the prolix bhāṣya style on the other. It is doubtful if such a difference in style can really be made out in this work. It is a characteristic of this work that it goes into full details on every point connected with its subject-

33 Cf. P. Thieme, JAOS, 76 (1956), p. 21.
34 IA, 47 (1918), p. 190.

matter. There is hardly any section where the treatment can be regarded as concise. The impression of prolixity that is sometimes created (as, for example, in many of the chapters in Book 7 or in Chapters 9.5, 9.7 and so on) is due to the author's endeavour to imagine every possible eventuality in any particular situation. It does not show any difference in style, such as that between the sūtra style and the bhāṣya style.

The style of the work is that of the early sūtra works. As Jolly says, " In point of style, the *Arthaśāstra* exhibits that mixture of prose and verse which is so common in sūtra works, e.g., in the Dharmasūtras."[35] Its terseness is not that of the philosophical or other similar sūtras. If the text is found difficult, it is mainly because of the technical nature of its contents and the many technical words it has used. The claim made on its behalf that it is easy to understand and grasp[36] is not unjustified, provided the technical nature of its contents is borne in mind. The sūtras are mostly simple in construction and free from obscurity caused by long compounds or involved expressions.

The ślokas, many of them probably derived from earlier sources, are characterised by extreme simplicity. Breloer has remarked that the style of the verses deviates from the sūtra style of the prose and that in the prose itself various types of style and a certain variation in terminology are found.[37] It is true that the stanzas appear to be much simpler in style than the prose. But simplicity is natural to the Anuṣṭubh śloka metre. If the prose, in some places, appears more difficult, that is due to the technical nature of the subject rather than to any essential difference in style. There is, no doubt, a certain variation in terminology, which seems to be due to the difference in the sources from which the material is derived. But it is hardly possible to maintain that the prose shows different types of style. The general impression is one of uniformity of style throughout the work in spite of the use of material from different sources. In fact, Breloer himself, who holds the view that the author could have brought together this compilation of rules only with the help of many learned men, just as Tribonian did when he framed the Justinian Code, adds at the same time : " Yet, or rather because of that, a single strong hand, a sharp voice, a hard spirit is not to be missed in this work. In affirmation or negation, the unbending view appears, which differs sharply and clearly, and gives quickly the grounds for differing before we have asked for them."[38]

35 Introduction to the Punjab edition, p. 5.
36 सुखग्रहणविज्ञेयम् । KA, 1.1.19.
37 KSt, III, p. 8.
38 KSt, III, p. 10.

The language of the text shows a few archaisms. A common feature is the use of the gerund in *-tvā* even when the root has a preposition attached to it. There are fourteen such cases: *apakārayitvā* (13.3.16,26 and 13.4.50), *abhimantrayitvā* (14.3.31,45,56), *avaghoṣayitvā* (12.4.8), *ādīpayitva* (5.1.45), *āvāhayitvā* (5.6.16; 13.2.19), *utsāhayitvā* (13.3.29), *unmādayitvā* (5.2.52), *upākhānayitvā* (7.17.33), *nistārayitvā* (4.12.36,33), *pralobhayitvā* (5.2.59), *pravāsayitvā* (12.4.4), *prasañjayitvā* (1.18.15), *prasvāpayitvā* (4.5.5), and *saṁpūrayitvā* (13.4.9). In practically all these cases the root is in the causal. Most of these forms are found in passages which describe some stratagem or ruse to outwit a person or some practice for producing a miraculous effect. It seems that these passages retain the linguistic peculiarities of the earlier sources from which they are derived. It may be noted that this usage is a sign of archaism. For, according to Pāṇini, it is restricted to the Vedic language. Similar forms have been preserved in Pali, for example, *upasaṁkamitvā*, *parivattetvā*, *otāretvā* etc. in the Jātakas. The Ardhamāgadhī of the Jain Canon, too, shows forms like *samāyarittā*, *paccāyayittā* and so on. The usage clearly belongs to an age before the classical language attained its fixity.

In a few cases the potential passive participle seems to be used in an active sense. Thus *udvejanīya* in 1.4.8 is 'that which causes fear (or disgust)', *uddharṣaṇīya* in 10.3.47 is 'one who gives encouragement'. Sometimes, as in *marmajñabhaya* (1.8.6,8) and *sarvajñakhyāpana* (4.5.18, 10.3.33) the suffix *-tva* is not used to form the abstract nouns *marmajñatva* and *sarvajñatva*. Other archaisms may be seen in *ākāṅkṣeta* (2.7.26,28 etc.) and *ṛdhyatām* (2.24.27) used is the Ātmanepada, *rajjunā* (4.7.26) used for *rajjvā*, *varṣārātram* (4.3.6) for *-rātrim* *anyatamad* (4.7.17 etc.) for *anyatamam* and so on.

It is in the vocabulary, however, that the language of this work shows striking peculiarities. There are numerous technical terms. Many of them are defined in the work itself, but there are others that are not defined. Apart from the technical words, there are a very large number of words which are rarely found used elsewhere in Sanskrit. A few may be mentioned, to bring out the richness of the language used in this text: *anarthya* 'a harmful person', *anvādhi* 'a guardian', *apasāra* 'an excuse, a means of exoneration from guilt', *avastha* 'a surety', *avasthā* 'a guarantee', *ābandhya* 'ornaments, jewellery', *upaliṅgana* 'an indication, proof', *cakrayukta* 'a wheeled carriage', *durbhagā* 'a wife disliked by the husband', *prakarman* 'violation of a maiden', *prahavaṇa* (or *pravahaṇa*) 'a party, a picnic', *bharmaṇyā* 'maintenance to a wife living separately', *māṇava* 'a dacoit, an adulterer or such other criminal', *rūpājīvā* 'a prostitute', *vivīta* 'pasture-land', *viśikhā* 'the market-road', *vīvadha* 'supplies of men and materials for

the army', *saṁyāna* 'sea-voyage', *saṁvadana* (or *saṁvanana*) 'winning of love by occult means', *sthāpyā* 'endowment made on a woman at the time of her marriage'. The following roots also may be mentioned : *atyāhāray* 'to over-tax, to extort money from', *anukṣi* 'to survive' or 'to brood over the death of', *abhiman* 'to covet, to entertain a sinful desire for', *utkoṭay* 'to maim, to cripple', *cāray* 'to spread reports', *niṣkas* 'to leave home', *niṣpat* 'to run away, to abscond', *pratyādiś* 'to report, to communicate', *prarūpay* 'to point out, to disclose', *viyat* 'to arrange for, to provide', *śru* 'to bear witness', *saṁśru* 'to promise', and so on. A few words seem to show the influence of the Prakrits. Thus we have *tuṭa* 'name of a division of time', *paṣṭhauhī* 'a cow bearing a calf for the first time', *samiddhayoga* 'an occult practice for securing prosperity', *makkuṇa* 'a tuskless elephant', and so on. A few words appear to be Deśī in origin. Such are *cella* 'garment', *bollana* 'talking', *leṇḍa* (or *laṇḍa*) 'dung', *kaṇḍolikā* 'basket', *meṇḍhaka* 'a ram's head', *vikka* 'a young elephant', *poṭṭalika* 'a bag' and so on.

It is true that we cannot be quite sure of the meaning of many words and expressions in this text. So, too, the interpretation of many passages in the text must remain uncertain. Nevertheless, after all allowances have been made, it can be maintained that the text is not difficult in style. In Chapter 2.10 of the work we have a section on the writing of decrees, which is said to have been composed by Kauṭilya himself.[39] It contains an enumeration of the excellences of writing or *lekhasaṁpad*. There are six of these: *arthakrama* 'proper order in the presentation of a matter', *saṁbandha* 'maintaining a connection from beginning to end', *paripūrṇatā* 'completeness', so that neither more nor less words are used and the meaning is made clear by stating reasons and by giving examples and illustrations, *mādhurya* 'sweetness' consisting of the use of words conveying their meaning with ease, *audārya* 'elevatedness' or absence of vulgar expressions, and *spaṣṭatva* 'clearness'. There is also a reference in that Chapter to defects in writing, *lekhadoṣāḥ*. The principal defects are *vyāghāta* 'contradictions', *punarukta* 'repetitions', and *apaśabda* 'the use of words and constructions not sanctioned by grammar.'[40] It would not be wrong to say that the present text, on the whole, uniformly shows qualities which it expects in good writing and is free from the defects which it mentions.

39 सर्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च ।
कौटिल्येन नरेन्द्रार्थे शासनस्य विधिः कृतः ॥ KA, 2.10.63.

40 See KA, 2.10.6-12 and 59-61.

CHAPTER THREE

SOURCES

THE first sūtra of the text contains the statement that the present *Arthaśāstra* was composed mostly by bringing together all treatises on Arthaśāstra written by earlier teachers.[1] The work is thus declared to be a compilation made from earlier works on the śāstra. This description of the text is not incorrect. For, there is no doubt that it is based on earlier sources and is not an original work in the sense that the author has thought out everything contained in it independently. The very nature of its contents, which required a thorough knowledge of many diverse subjects, makes it unlikely that any single author, howsoever gifted, could have produced this work by relying on his own intellectual powers alone.

The existence of earlier sources is clearly indicated in other places in the text as well. Thus, in 1.10.16 we read, "The (earlier) teachers have laid down that the king should appoint officers after putting them to the secret tests etc."[2] In 4.11.26 there is a statement that the various forms of corporal punishment 'are prescribed in the śāstras of great men.'[3] And in 8.2.26 it is stated that the relative importance or otherwise of the different *prakṛtis* has been mentioned 'in the order as traditionally handed down.'[4]

The fact that the work is based on earlier works is also borne out by another consideration. A close study of the text reveals that material from different sources has been used in its preparation. We find differences in terminology in some cases and, in very rare instances, contradictory statements. A few examples may be mentioned: (1) In 1.12.6 we have apparently a list of *tīrthas* or high dignitaries in the state. The dignitaries are mentioned again in 5.3.3-7 in connection with the scales of salaries. There is a difference in the two places. Two officers mentioned earlier, the *daṇḍapāla* and the *durgapāla*, are

1 पृथिव्या लाभे पालने च यावन्त्यर्थशास्त्राणि पूर्वाचार्यैः प्रस्थापितानि प्रायशस्तानि संहृत्यैकमिदमर्थशास्त्रं कृतम् । KA, 1.1.1.

2 त्रिवर्गभयसंशुद्धानमात्यान्स्वेषु कर्मसु ।
अधिकुर्याद्यथाशौचमित्याचार्या व्यवस्थिताः ॥ KA, 1.10.16.

3 एते शास्त्रेष्वनुगताः क्लेशदण्डा महात्मनाम् ।
अक्लिष्टानां तु पापानां धर्म्यः शुद्धवधः स्मृतः ॥ KA, 4.11.26.

4 द्वयोर्द्वयोर्व्यसनयोः प्रकृतीनां बलाबलम् ।
पारंपर्यक्रमेणोक्तं याने स्थाने च कारणम् ॥ KA, 8.2.26.

not referred to in Chapter 5.3, which, however, mentions an officer, the *rāṣṭrapāla*, unknown to the earlier list. What is more important, officers are mentioned in these two places whose functions are not described anywhere in the text. Such are the *dauvārika*, the *antarvaṁśika*, the *pauravyāvahārika*, the *kārmāntika*, the *daṇḍapāla* and the *rāṣṭrapāla*. On the other hand, officers whose duties are described at length elsewhere, for example the *dharmastha* and the *nāgarika*, find no mention in either of these places. As things stand, there seems to be no provision for the salary of these two. We have clearly a divergence of terminology here, which indicates that material from different sources has been incorporated in the text. (2) At the end of Chapter 3.1 we have two sets of ślokas, 39-40 and 43-45, which are concerned with the question of the relative authoritativeness of *dharma*, *vyavahāra*, *caritra* and *rājaśāsana* in deciding law cases. Apart from the fact that *caritra* and *rājaśāsana* of the first set seem to be replaced by *saṁsthā* and *nyāya* in the other set, it appears that the word *dharma* is used in different senses in the two sets. What is more, the two sets are separated from each other by two intervening ślokas, 41-42, which are quite unrelated to the subject-matter of the two groups. It may be assumed that material from different sources has been taken over in this case. (3) O. Stein has compared Chapter 2.4 (Layout of the City) with Chapter 2.36 (The City Superintendent) and pointed out some contradictions between the two. He argues that the city life in 2.36 is more developed than that in 2.4. He also refers to some terms occurring in 2.4 which are not found in the later chapter.[5] It is possible to explain away some of the apparent contradictions on the ground of a difference in the stand-point of the two Chapters. But it seems quite likely that here also we have a case of the use of different sources in the two places. (4) We have in two Chapters, 9.3 and 9.5, a discussion on likely conspiracies between officers stationed in the capital and those in the outlying provinces. The discussion in the latter Chapter is much more elaborate than that in the former. It seems that borrowing from two different sources is responsible for much of the repetition in this instance. (5) The *senāpati*, who generally occupies in the text one of the highest positions in the state hierarchy, appears in 10.6.45 to be junior to the *nāyaka*, who is said to have ten *senāpatis* under him. The task of fixing signals and passwords is assigned to the *senāpati* in 2.33.11, while in 10.6.46 the *nāyaka* is said to be in charge of that work. The discrepancy is obviously due to a difference in sources. (6) Towards the end of the Chapter on salaries, 5.3, we have matter in sūtras 35-45 that is totally unrelated to the subject-matter of that Chapter. They refer to the necessity of drill

5 AOr, IX (1937), pp. 348ff.

for the troops, the care to be taken of weapons and so on. The passage seems at least misplaced, and may possibly have been derived from a source different from that of the rest of the Chapter. (7) In a few cases, we get the impression that the ślokas at the end of the chapters are derived from different sources as compared with those for the prose portion in the chapters. Such appears to be the case, for example, with ślokas at the end of 2.12, 2.13, 3.3, 3.13, 5.3 and some others.

Finally, there is the fact that the text refers to a number of earlier authorities and mentions what are apparently opinions held by them. There are in all one hundred and twelve places in the text where such opinions are mentioned. In twenty-five of these cases, the opinions are attributed to schools of the śāstra, namely, the Bārhaspatyas (in six places), the Auśanasas (in seven places), the Mānavas (in five places), the Pārāśaras (in six places) and the Āmbhīyas (once). In twenty-eight places, the opinions are ascribed to individual teachers, Bhāradvāja (seven times), Viśālākṣa (six times). Piśuna (five times), Kauṇapadanta (four times), Vātavyādhi (five times) and Bāhudantīputra (once). In the remaining fifty-nine cases, the opinions are attributed to *ācāryāḥ*, 'the teachers', a term referring to most or all of these predecessors; twice we have *eke* 'some' used, once *apare* 'others'. Ordinarily, there would be little reason to doubt that these are genuine references to opinions actually held by the earlier authorities. But there are certain peculiarities about some of these quotations that have given rise to doubts concerning their authenticity. It is necessary to consider them in detail.[6]

The conflicting opinions of the various schools of Arthaśāstra are mentioned in the following places: (1) In 1.2.2-8 the opinions of the Mānavas, the Bārhaspatyas and the Auśanasas concerning the number of *vidyās* or lores are stated and all of them are rejected in favour of Kauṭilya's own opinion. (2) In 1.15.47-50, the different opinions of these same schools on the question of the number of *amātyas* to be appointed in the *mantripariṣad* are mentioned and rejected in favour of Kauṭilya's opinion. (3) In 2.7.11-15, the views of these three schools together with that of the Pārāśaras are mentioned in connection with the punishment to be meted out to officers who cause loss of revenue to the state. Kauṭilya again adds his own different view. (4) In 3.11.44-49 the opinions of the same three schools concerning the nature of punishment for false testimony are stated and rejected in favour of that of Kauṭilya. (5) In 3.17.3-5 the opinions

6 The question is considered by H. Jacobi in SKPAW, 1912, pp. 832ff. (English translation in IA, 47, 157-161 and 187-195) and is touched upon by J. Jolly, A. B. Keith, J. J. Meyer and others. F. Wilhelm discusses it in full in *Politische Polemiken im Staatslehrbuch des Kauṭalya* (Wiesbaden, 1960).

of the Mānavas and the Auśanasas about the punishment for *sāhasa* are mentioned and rejected in favour of Kauṭilya's opinion, while in 3.17.11-14 the opinion of the Bārhaspatyas regarding punishment for abetment of *sāhasa* is stated and modified by Kauṭilya. (6) In 10.6.1-2 the divisions of a battle-array according to the Auśanasas and the Bārhaspatyas are mentioned. No opinion is expressed by Kauṭilya in this place. But in 15.1.42, *anumata*, i. e., 'agreement with another's opinion' is illustrated by reproducing the opinion of the Auśanasas, though the discussion that follows in Chapter 10.6 seems to favour the scheme of the Bārhaspatyas rather than that of the Auśanasas. (7) In 3.6.1-5 the opinion of the Auśanasas alone is mentioned in connection with unequal shares at the time of partition. There is no comment on it.

There is no adequate reason to doubt the genuineness of these references to the opinions held in the different schools of Arthaśāstra. We know that works attributed to Bṛhaspati, Uśanas and Prācetasa Manu are mentioned in the *Mahābhārata*, which contains a few quotations from them.[7] If none of these opinions can be traced in any extant work associated with the names of Bṛhaspati, Uśanas or Manu, that is because all such works are either very late, like the *Bārhaspatya Arthaśāstra* (edited by F. W. Thomas in the Punjab Sanskrit Series) and the *Śukranītisāra* (translated by B. K. Sarkar and now shown to be a very modern fabrication), or unconnected with a school of Arthaśāstra, like the *Manusmṛti*. That would not disprove the existence in the ancient days of the three Arthaśāstra schools and the works studied in them. Jacobi agrees that these three are old and highly respected schools.[8] The Pārāśaras were evidently a comparatively younger school. More often their opinions are referred to along with those of individual teachers like Bhāradvāja and others.

Because of the meagreness of the evidence indicated by these references it is not easy to form a clear idea of the distinctive features of the teaching of the various schools. The Auśanasas required the study of Daṇḍanīti alone, recommended the largest number of *amātyas*, 20, in the *mantripariṣad*, prescribed the highest fine for the officer causing loss to the treasury, also a higher fine for *sāhasa*, and laid down a varying scale of fines for false testimony according as it concerns the place, the time or the object itself. The Bārhaspatyas wanted that Vārttā should also be studied in addition to Daṇḍanīti, recommended a smaller *mantripariṣad* of 16 *amātyas*, prescribed for the delinquent officer fines half those laid down by the Auśanasas,

7 See pp. 6-8 above.
8 IA, 47 (1918), p. 160.

but prescribed the very severe penalty of death for witnesses responsible for miscarriage of justice, and seem to have been concerned with abetment of *sāhasa* more than with laying down punishment for *sāhasa* itself. The Mānavas, on their part, required that the Trayī should also be studied in addition to Vārttā and Daṇḍanīti, recommended a still smaller *mantripariṣad* of 12, prescribed still smaller fines for the delinquent officers which are to vary according to circumstances, laid down a smaller fine for *sāhasa*, and required that the punishment for false testimony should conform to the loss suffered by the litigants. From all this we get the general impression that the Auśanasas tended to be very severe in the matter of punishments, whereas the Mānavas appear to have been more moderate and reasonable, the Bārhaspatyas occupying, on the whole, an intermediate position. It is to be noted that in these cases Kauṭilya himself is represented as adopting an eminently reasonable stand. Instead of laying down rigorous and fixed scales of fines, he generally recommends that the punishment should be 'in accordance with the offence'. Similarly, he says that the number of *amātyas* in the *mantripariṣad* should be in accordance with the state's requirements, its size, its capacity etc. And he insists that the training of the prince should include the study of Ānvīkṣikī or philosophy as well.

Turning to the references to the opinions of individual teachers, we find that as a rule these authorities are mentioned in the same order. The opinions of Bhāradvāja, Viśālākṣa, the Pārāśaras,[9] Piśuna, Kauṇapadanta and Vātavyādhi are mentioned in this order in four places, with the opinion of Bāhudantīputra added at the end once. In Chapter 1.8 we have a discussion on the type of persons who should be selected for appointment as ministers. Here we find each later-named teacher criticising the opinion of the one mentioned immediately before him and offering his own opinion instead. At the end, Kauṭilya adds his own opinion that there is something acceptable in the opinions of all the teachers mentioned earlier. The same procedure is found in Chapter 1.17 which discusses the question of the treatment to be meted out to the prince. Here, too, at the end of a series of successive criticisms, Kauṭilya in his turn criticises the opinion of the last-named teacher, Vātavyādhi. The Chapter then goes on to mention the opinion of the Āmbhīyas, which is also criticised by Kauṭilya. The procedure in Chapters 8.1 and 8.3 is different. Kauṭilya here criticises and rejects the views of each of the six teachers, who hold different

9 It is tempting to regard Parāśara in these cases as the name of an individual teacher like the others, as Wilhelm (*op. cit.*, p. 8) does. But except in one or two places the mss. show Pārāśarāḥ as a school name. Jacobi (*loc. cit.*, p. 160) had already suggested Pārāśarāḥ throughout. In 2.7.12, the school seems to be clearly intended.

opinions about the relative seriousness of the calamities of the seven *prakṛtis* (in 8.1) and about the relative seriousness of the various vices (in 8.3). In these cases, there is no criticism of each earlier teacher by another.

In another place, 1.15.13ff., the opinions of only four authorities, Bhāradvāja, Viśālākṣa, the Pārāśaras and Piśuna, on the question of the appointment of councillors are mentioned. Here, again, each later authority criticises the opinion of his predecessor, Kauṭilya criticising the opinion of only the last-named, Piśuna. In 12.1.1-9 the contrary views of Bhāradvāja and Viśālākṣa on what the weak king should do when attacked by a strong king are stated; both are then criticised and rejected by Kauṭilya. In 7.1.3-5 the opinion of Vātavyādhi that there are only two policies, peace and war, is rejected by Kauṭilya who sticks to the usual scheme of a six-fold policy.

The reference to the opinion of Bhāradvāja in Chapter 5.6 raises a peculiar problem. We have first in sūtras 1-22 the recommendation that the chief minister should try to keep the fact of the serious illness or death of the monarch concealed till arrangements are made to announce his successor, thus forestalling a scramble for the throne or an uprising among the chieftains. This is concluded with the remark that in this way continuity of rule in the dynasty should be ensured by the minister. This remark is specifically attributed to Kauṭilya.[10] Then follows the statement of Bhāradvāja's opinion entirely disapproving of this procedure and arguing in favour of the minister himself seizing this opportunity to grab the kingdom and not spurning the Goddess of Fortune when she smiles on him.[11] This view is then rejected in Kauṭilya's own words on the ground that such a course is likely to rouse the subjects to revolt, that it is unrighteous and that its success is uncertain.[12] This juxtaposition of the views of Bhāradvāja and Kauṭilya is not easy to explain. If, as is obviously to be presumed, Bhāradvāja was one of the earlier authorities on the śāstra used by Kauṭilya, how could the former have taken note of and argued against an opinion held by the latter? A. B. Keith has suggested by way of an explanation that the present text is not the work of Kauṭilya himself, but of some follower of his who was thoroughly aware of the views of the master.[13] This does not quite get over the difficulty presented by the fact that Bhāradvāja's opinion here appears in the form of a rejection of an opinion held by Kauṭilya, as may be

10 एवमेकैश्वर्यममात्यः कारयेदिति कौटिल्यः । KA, 5.6.23.
11 नैवमिति भारद्वाजः ।२४।...तत्स्वयमुपस्थितं नावमन्येत ।२९। KA, 5.6.24-31.
12 प्रकृतिकोपकमधर्मिष्ठमनैकान्तिकं चैतदिति कौटिल्यः। KA, 5.6.32.
13 JRAS, 1916, pp. 135-137.

seen from *naivam* in Bhāradvāja's remark in s.24 coming immediately after *evam* in Kauṭilya's statement in s.23. A follower of Kauṭilya could certainly not have been unaware that it was impossible for Bhāradvāja to have controverted his master's views in this manner. P. V. Kane says in this connection that Jacobi and Keith are both wrong in thinking that the view of Kauṭilya is criticised by Bhāradvāja. He argues that Kauṭilya states his position first and then mentions the view of his predecessor.[14] But the significance of the juxtaposition of *evam* and *naivam* in the two sūtras does not seem to be fully taken into account in this explanation. A likely solution might be to suppose that *naivam* is put in Bhāradvāja's mouth, by Kauṭilya himself to emphasise the distinctive character of Bhāradvāja's views.

The foremost among the individual teachers mentioned is Bhāradvāja. The commentators usually identify him with Droṇa, the teacher of the Kauravas and the Pāṇḍavas in the art of war. That seems hardly right. Unlike Bhīṣma, Droṇa is not known for his mastery of the political science. Jolly and Schmidt, in their Notes, have suggested his identification with the minister Kaṇiṅka Bhāradvāja, who, according to sūtra 5.5.11 of our text, managed to escape on noticing some sign of his king's displeasure. This appears quite likely. There is in the *Mahābhārata*, Chapter 12.138, a discourse on politics delivered to King Śatruṁtapa by Bhāradvāja, also called Kaṇiṅka there.[15]

The opinions attributed to Bhāradvāja in this text make him out to be a ruthless and unscrupulous teacher of this śāstra who held extreme and one-sided views. He is said to have recommended that the prince should be secretly got rid of before the father begins to entertain feelings of affection for him (1.17.4-6), that when the old king is dying or dead, the chief minister should seize the throne (5.6.25-31), as he thought that the minister is more important than the king himself (8.1.6-11). He was of the opinion that *kāma* and *kopa* are quite necessary for the ruler and should not be regarded as the source of vices (8.3.8-12). He recommended that in order to maintain secrecy the ruler should not hold consultations at all with anyone else (1.15.13-17). He was also of the opinion that a weak king, when attacked by a powerful king, should always submit to him (12.1.1-2).

Finding that the teaching ascribed to Bhāradvāja in this text has a bad odour about it and that the same is true of his teaching as

14 ABORI, VII, p. 89.

15 The *Yaśastilakacampū* of Somadeva (N. S. edition, Part II, p. 100) quotes two ślokas said to be from the *Ṣāḍguṇyaprastāva* of Bhāradvāja. These are found spread over 7.5.19ff. in our text. One cannot be sure that Somadeva had really the work of Bhāradvāja before him.

found in the *Mahābhārata*, Wilhelm set out to investigate all those passages in Sanskrit, Pali and Prakrit where the name Bhāradvāja occurs. He has found that in some places, for example in some Jātaka tales, the name has an obloquy attached to it, while in other places it appears as highly respectable.[16] This is not surprising, since Bhāradvāja is a *gotra* name, not the personal name of a single individual. It is quite conceivable that some member or members of this family had got a bad name ; but there is no reason to suppose that the Bhāradvājas as a family were looked down upon or denigrated.

About Bhāradvāja's individuality we are able to form some idea from his teaching. That cannot be said of the other teachers mentioned. Even the names of some of them have a queer ring about them. Viśālākṣa ' the broad-eyed one ' is, according to the *Mahābhārata* tradition, the name of God Śaṁkara himself. If, as the *Mahābhārata* indicates, there was once in existence a *Vaiśālākṣa Śāstra*, that may be supposed to have been the work of some person claiming inspiration from that god and attributing the teaching to him.[17] Similarly, Bāhudantīputra is supposed to be the name of God Indra. The name apparently signifies ' the son of one whose arms are her teeth.' Such a description of Indra's mother, Aditi, is not known elsewhere. In fact, the *Mahābhārata* mentions the *Bāhudantaka Śāstra*, implying that Indra himself was known as Bāhudanta, or perhaps Bahudanta ' having many teeth.' Piśuna, according to the commentators, is the sage Nārada, perhaps because the name signifies ' a tale-bearer '. This is doubtful. It seems more likely that he is to be identified with the minister Piśuna who, according to 5.5.11 in the present text, left his king's service when he saw some indirect sign of his displeasure.[18] In any case, Piśuna cannot be identified with the author of the *Nāradasmṛti*, since that Smṛti concerns itself with law alone and nothing else. About Kauṇapadanta, the commentators say that he is to be identified with Bhīṣma, who was called by this name because his father Śaṁtanu had decayed teeth. The identification may be correct. In the Śāntiparvan, Bhīṣma is made to appear as a teacher of this śāstra. One cannot suppose, however, that the Śāntiparvan contains his original teaching. That Parvan is a compilation of material derived from diverse sources and there is little in it that can be pointed out as the specific teaching of

16 Wilhelm, *Politische Polemiken* etc., pp. 56-74.

17 Somadeva (*loc. cit.*) quotes a prose passage from the *upaniṣad* section of Viśālākṣa. The passage with a few omissions is found in the *labdhapraśamana* section (13.5.12) of the present text. The reference to the *upaniṣad* section is clearly wrong. In this case it seems almost certain that Somadeva knew no early text by Viśālākṣa, but has only derived the passage from the present text, misreading the section in the process.

18 It may be noted in passing that the *amātya* of King Duṣyanta in the *Śākuntala* is named Piśuna (Act VI).

Bhīṣma. In any case, the opinions ascribed to Kauṇapadanta in this text cannot be traced in the *Mahābhārata*. T. Ganapati Sastri has suggested that the Āmbhīyas were the followers of Bhīṣma, since Āmbhi, in the sense of 'the son of Ambhas (water, i.e., the Ganges)' can be understood as the name of Bhīṣma.[19] This identification is uncertain. As regards Vātavyādhi, the commentators identify him with Uddhava, the minister of Śrī Kṛṣṇa. About him or his teaching, nothing is known from any source. It appears that some of the names of these teachers are nicknames given to them because of some physical or mental peculiarity.

Lastly, there are those numerous cases in which the opinions of *ācāryāḥ* or teachers in general are stated and, in most cases, refuted by Kauṭilya, who then adds his own opinions. The principal topics on which we find such controversial opinions are: (1) the manner in which *daṇḍa* or punishment should be inflicted by the ruler (1.4.5-10); (2) the use of secret tests for finding out if an officer is upright and loyal or not (1.10.16-20); (3) the person to whom the *kṣetraja* son belongs (3.7.1-3); (4) the type of enemy against whom it is more advantageous to march (7.5.3-8,12-15); (5) the type of ally whom it would be more advantageous to secure (7.9.9-34); (6) the kind of state undertaking which should be preferred in newly acquired territories (7.11.13-16, 7.12.9-24); (7) the choice between diplomatic moves and actual war (7.13.29-33); (8) the relative merits of different types of rulership (8.2.5-25); (9) the relative seriousness of the various calamities of a divine or human origin (8.4.2-43); (10) the relative importance of the *śaktis* and of *śakti*, *deśa* and *kāla* (9.1.2-15,26-33); and (11) occasions suitable for marching against an enemy (9.1.42-44).

In 8.1.5 the opinion of the *ācāryas*, which is stated first, is defended by Kauṭilya in the rest of the chapter against the divergent views of six individual teachers. That refers to the question of the relative seriousness of the calamities of the seven *prakṛtis*. Similarly, in 7.1.2-5 the opinion of the *ācāryas* concerning the six *guṇas* is defended by him against the opinion of Vātavyādhi. In 3.17.6-10, the various scales of fine for *sāhasa* of different types are laid down in the words of the *ācāryas*, and these are obviously accepted by the author without comment.

In 3.4.9-12 (on the question whether a wife living separately should stay with her husband's family when there are male members in it) and in 3.5.23-25 (on the question of the partition of a poor man's goods), the opinion of Kauṭilya appears as a mild criticism of the view

19 Sanskrit Introduction to Vol. III of the Trivandrum edition of the text, p. 2, also English Introduction, p. 2.

of the teachers, and not a vigorous refutation of it in the usual manner starting with *neti Kauṭilyaḥ*. That is also true of his criticism of the view of the *ācāryas* in 7.1.30-31, that when *sthāna* or staying quiet is equally advantageous to the *vijigīṣu* and his enemy, the former should make peace with the latter.

Who are the *ācāryāḥ* whose opinions are so frequently referred to in the text? The view that the expression means 'my teacher', i.e., the teacher of Kauṭilya, as in Shamasastry's translation, is clearly not right. P. V. Kane has shown how *ācāryāḥ* cannot mean 'my teacher'. He refers to the use of the expression in Yāska, Pāṇini, the *Mahābhārata* and the *Kāmasūtra* and points out how in 3.7.1-2 the use of *apare* for referring to those who differ from *ācāryāḥ* precludes the possibility of the latter term signifying Kauṭilya's teacher.[20] By *ācāryāḥ* we have clearly to understand those earlier teachers (*pūrvācāryāḥ*) whose works on Arthaśāstra were used in the preparation of this text as stated in sūtra 1.1.1. It seems that it is a general term which includes those teachers mentioned elsewhere by name. Often, as in 8.1, it seems to stand for some, not all, of those earlier teachers. The expression *prāyaśaḥ* in 9.1.42 clearly indicates that most of the earlier teachers, but not all, are meant there. And an identical group of teachers need not be understood every time the *ācāryāḥ* are referred to.

In Chapters 1.8, 1.15 and 1.17, each later-named teacher is represented as criticising the views of the one mentioned just before him. From this it might appear that the order in which these individual teachers are invariably mentioned is chronological, Bhāradvāja being the eldest among them and Kauṇapadanta the youngest. There are, however, difficulties in accepting the order as chronological. It would indeed be strange if the chronological order were to coincide exactly with the order of enumeration of the *prakṛtis* (as it does in Chapter 8.1, where the relative seriousness of their calamities is discussed) or with the order of enumeration of the vices (as in 8.3). The circumstance that each later author regards each later *prakṛti* as more important or each later vice as less serious has too much the appearance of being neatly contrived to appear genuine. Jacobi, therefore, expresses the opinion that the order cannot be regarded as chronological. He adds that the serial sequence probably expresses the degree of estimation which Kauṭilya entertained with regard to the respective predecessors and that Bhāradvāja stood in the eyes of Kauṭilya the lowest in the scale.[21] In this connection, Wilhelm compares the method adopted in the *Sarvadarśanasaṁgraha*, where the author begins with the

20 ABORI, XXIII (1942), pp. 206-218.
21 IA, 47, pp. 187-188.

school of thought (the Cārvākas) which is the lowest in his estimation and proceeds to gradually more and more approved schools by a process in which each later school refutes its predecessor and expounds its own doctrines.[22]

This raises the possibility that the opinions attributed to the earlier teachers in this text are not actual quotations from their works, but are statements worked up by Kauṭilya himself and put by him in their mouths. In fact, Jacobi expresses the opinion that Kauṭilya utilised the names of his predecessors for staging an imaginary controversy as a means of enlivening his discourse. He adds, " This solitary artifice strikes one as something extraordinary in a manual of instruction otherwise so sober and pertinent."[23] Similarly, Keith says, " The view that this is a sober setting down of actual views (of predeeessors) may be regarded as improbable in the extreme; it is doubtless rather a device, introduced to lend liveliness and to set out conflicting views which might actually or more often conceivably be held. The same device is adopted in Buddhist texts, where possible philosophical opinions are asserted to be actually held."[24]

Now it cannot be denied that there is an element of artificiality in the manner in which the opinions of the earlier teachers are presented in this text. It would, however, hardly be right to conclude from this that the opinions themselves are all invented by Kauṭilya. When Jolly remarks that our author found these names of earlier teachers in some such tradition as that represented in the Śāntiparvan of the *Mahābhārata* and put different opinions in their mouths, he seems to imply that all these opinions are the inventions of Kauṭilya himself.[25] It should be remembered that the *Mahābhārata* tradition shows acquaintance not only with the names of the ancient teachers, but also with their teaching. It mentions a few earlier śāstras and some individual teachers and evidently quotes from them or refers to their opinions. It is not easy to see why the author of this text could also not have been acquainted with those śāstras or with the opinions expressed by the earlier teachers. What was known at the time of the compilation of the Śāntiparvan could not have disappeared altogether when this text was composed, even if the late date (3rd or 4th century A.D.) suggested by Jolly for this text be accepted. Besides, many of the names of earlier authorities, for example the Pārāśaras, Piśuna, Kauṇapadanta and Vātavyādhi, are unknown to the tradition of the *Mahābhārata*. And in this respect there is no other ancient tradition

22 Wilhelm, *Politische Polemiken* etc., p. 76.
23 IA, 47, p. 188.
24 *A History of Sanskrit Literature*, p. 457.
25 Introduction to the Punjab edition of the text, p. 44.

besides that in the *Mahābhārata*. Moreover, many of the opinions attributed to the predecessors can be shown to have been actually held in earlier times or at least as having been conceivably held before this text was written. Thus when two different views concerning right over the *kṣetraja* son are stated as being held by earlier teachers (3.7.1-2), that, as we know from the Smṛtis, is a reference to genuinely held views on the matter. When Vātavyādhi is said to have recognised only two *guṇas* or policies, namely, peace and war (7.1.3), such an opinion could quite conceivably have been held in very early days. Nor can it be said that the opinions attributed to Bhāradvāja in this text are all the inventions of our author. In fact, to assume that all the divergent opinions have been invented by the author himself would mean that there were no earlier works on this śāstra on which he could rely and that he has created the entire science as found in this work by his own single-handed effort. Such a claim cannot reasonably be sustained and is certainly not made on his behalf. Nevertheless, it seems necessary to concede that the opinions of the earlier authorities have probably been worked up and schematically arranged by the author. It is this which creates the impression of artificiality in some places. It is also possible that in a few cases, for example, in Chapter 7.9, 7.11 or 8.4, the opinions attributed to the *ācāryāḥ* may have been thought of by Kauṭilya himself; there one may detect a desire to present all the pros and cons of a question rather than an attempt to controvert a genuinely held opinion. But even in such cases, the possibility of the opinion being really held by someone cannot be altogether ruled out.

Wilhelm has drawn attention to the circumstance that the opinions of the earlier teachers are expressed in a uniform style. Referring to Chapter 1.8, he points out the stylistic peculiarities in the various opinions expressed there, such as the use of the ablative of the abstract noun for stating the reason for rejecting the opinion of the predecessor, the use of *dṛṣṭa-* in four of those cases, the use of *hi* in three cases and so on.[26] He refers to the fact that the clause *pratyakṣaparokṣānumeyā hi rājavṛttiḥ* occurring in Viśālākṣa's opinion in 1.15.19 appears again in 1.9.4, so that the verbal form of the clause may be inferred to be due to Kauṭilya himself.[27] He regards *nṛśaṁsam aduṣṭavadhaḥ* in Viśālākṣa's statement in 1.17.7 as stylistically reminiscent of *prakṛtikopakam adharmiṣṭham* in Kauṭilya's words in 5.6.32.[28] He thinks that expressions like *kulyakumāramukhya*, *prakṛtikopa* (Bhāradvāja in 5.6.25ff.), *vyasanapratīkāra*, *rājyarakṣaṇa*, *kumārarakṣaṇa* etc. (Bhāradvāja in 8.1.8) are characteristic of Kauṭilya's style, indicating that

26 Wilhelm, *op. cit.*, p. 10.
27 *Ibid.*, p. 14.
28 *Ibid.*, p. 23.

Bhāradvāja's opinions are here reproduced in Kauṭilya's words.[29] Similarly, the repetition of the clause *vallabhaiś ca svayaṁgrāha-* etc. in Kauṭilya's own view in 8.4.23 and in the opinion ascribed to the *ācāryāḥ* in the next sūtra is, according to him, an indication of the latter being worked up by Kauṭilya in his own words.[30]

It may be pointed out, however, that if this implies that certain words and expressions were coined by Kauṭilya for the first time and were non-existent before him, that would hardly be acceptable. For example, *kulya* 'a member of the family', *kumāra* 'a prince', *mukhya* 'a principal officer', *rājyarakṣaṇa* 'protection of the kingdom', *kumārarakṣaṇa* 'guarding of the prince', *prakṛtikopa* 'an uprising of the subjects', *vyasana* 'calamity' and its *pratīkāra* 'overcoming', contain ideas so germane to the śāstra from its very inception that it is hard to conceive that these expressions for conveying them were non-existent before Kauṭilya wrote. Unless we believe that the entire śāstra was created by Kauṭilya himself, it would have to be assumed that its terminology and the general method of its treatment are quite ancient. Expressions common to Kauṭilya and the earlier teachers are no sure indication of a stylistic working up of earlier teaching.

Again, we have in four places a śloka incorporated in the opinions of earlier teachers, viz., in 1.8.9 (Pārāśaras), 1.15.17 (Bhāradvāja), 1.15.22 (Viśālākṣa) and 5.6.31 (Bhāradvāja). It is hardly possible that these ślokas are composed by Kauṭilya himself. It was argued in the preceding chapter that the works of the predecessors of Kauṭilya were probably in verse.[31] If that be so, these four ślokas may well be supposed to have been reproduced from the works of the predecessors exactly as they were found there. The accompanying prose portion, however, may be then supposed to be the working up of the original metrical part into prose by Kauṭilya. In the process of such 'working up' some compression of the original matter or its expansion in some cases is quite conceivable. But there is little indication of any new terminology evolved by our author. Nor is there sufficient evidence for regarding any stylistic features as peculiar to him, when compared with the earlier teachers.

In some cases, views or teachings are specifically attributed to Kauṭilya without there being any attempt to refute the opinions of other teachers. There is the most prominent case of the Chapter on written decrees, 2.10, at the end of which we are told that the rules

29 *Ibid.*, pp. 34-35 and 40.
30 *Ibid.*, p. 124.
31 See pp. 33-35 above.

concerning decrees have been framed by Kauṭilya for the sake of kings.[32] It is reasonable to suppose that a corresponding chapter was not there in the works of his predecessors. In 1.7.6-7 it is asserted in Kauṭilya's name that *artha* is the most important of the three goals of life. Though this is not stated in refutation of a view ascribed to anyone else, it is to be noted that in the preceding sūtras, 3-5, two other points of view are mentioned, which were presumably held by some of his predecessors. In 3.4.36 Kauṭilya asserts that causing the frustration of a wife's *tīrtha* or period suitable for conception is destructive of religious merit. In 7.15.11 he insists that when a king is forced to seek shelter in a fort he should first see to it that it has adequate supplies of stores and men and that it is provided with means of escape. And in 13.4.5 he declares that there can be no country without the habitation of men and no kingdom without a country. In all these cases there is no reference to any contrary opinion. From the circumstance that the text is thus particular about giving credit to Kauṭilya for views specifically held by him as well as from the circumstance that he appears very keen on giving expression to his differences with the predecessors, it would be reasonable to conclude that except in those cases where his differences with others are stated, his teaching does not materially differ from that of the earlier authorities. This would corroborate the statement in the very first sūtra that the present work is mostly based on the treatises on this śāstra composed by earlier teachers, that, in other words, these treatises were our author's source-books.

It may be noted that the opinions of earlier authorities are not cited on a large number of topics treated in the present work. There are no citations, for example, in Books 4, 6, 11, 13 and 14. There is only one in Book 5 and two in Book 2. It may be asked why these Books do not contain references to the opinions of the earlier teachers. We may leave out of account the very short Books 6 and 11 as well as Book 14 which deals with secret and occult practices. As regards the other Books, especially Books 2, 4 and 5, it is possible to argue that the general absence of references in them to the opinions of the predecessors means that the topics treated in these Books were not found in their works and that Kauṭilya himself is the first to treat those topics. That is, in fact, the conclusion reached by Jacobi concerning these three Books. According to him the peculiarity of these Books is that they deal more with details of practical affairs than with matters of general principles as in the other Books. The only two citations in Book 2, namely 2.7.11-14 (about punishment for causing loss to the treasury)

32 सर्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च ।
कौटिल्येन नरेन्द्रार्थे शासनस्य विधिः कृतः ॥ KA, 2.10.63.

and 2.9.10-11 (concerning ways of detecting cases of embezzlement by officers), belong to the law of punishment and hence do not belong to the general run of topics in that Book.[33] Wilhelm supports this view of Jacobi and rejects the conclusion that the absence of references to earlier teachers in these Books is to be explained on the assumption that Kauṭilya did not differ from his predecessors on the topics discussed in them.[34]

It is true that these three Books deal principally with matters of practical administration. But there is hardly sufficient warrant for supposing that these matters were not the object of study before Kauṭilya's day. Arthaśāstra is essentially a practical science; its declared aim is to teach the ruler how to govern his kingdom. What general principles it enunciates are all connected with practical affairs. We do not have purely theoretical speculations, for example, on monarchy or kingship in Book 1 or on foreign policy in Books 7-13. Everywhere it is matters of practical concern to the ruler that are discussed in this work. Now Book 4 deals with the investigation of crimes and the punishment of criminals. It is difficult to believe that these questions were not treated by any teacher before the days of Kauṭilya. Some of the earlier teachers of the śāstra, Bhāradvāja and Piśuna for example, were in all likelihood ministers. As such they could not have avoided concerning themselves with the suppression of crime. The same is also true of subjects like the steps to be taken against traitors and measures necessary during emergencies, which are treated in Book 5. It is, of course, possible that not all the predecessors of Kauṭilya had dealt with all the topics found in Books 4 and 5. But it is hardly likely that Kautilya alone is responsible for their entire contents. Had that been really so, the fact would have been specifically mentioned as is done in the case of Chapter 2.10.

The case of Book 2 is a little different. Apart from the details of state administration, which could have been derived from the earlier works on Nīti, the Book contains a number of chapters dealing with the technical details of various sciences and arts, such as mining and metallurgy, working in gold and jewellery, building of forts, farming, making of liquors, cattle-tending, care of horses and elephants and so on, with which a minister-author is not likely to be directly acquainted. It seems reasonable to suppose that many of these chapters had no place in the earlier works on Nīti, which were concerned with politics and administration. Nevertheless, one can hardly suppose that their contents stem from Kauṭilya himself, implying that he was an expert

33 IA, 47 (1918), pp. 160-161.
34 Wilhelm, *op. cit.*, pp. 80-81.

in all these technical studies. He probably derived material for these chapters from manuals on these various subjects. It is true that such manuals on these subjects supposedly written before the days of Kauṭilya have not come down to us. But they could conceivably have existed, just as earlier Nīti works must be presumed to have existed, though none of them has come down to us. In this connection, a reference may be made to the opinion of Breloer, who thinks that Kauṭilya took the help of a number of assistants for collecting material from different sources, his own role being that of an editor of the vast material collected.[35] But if we grant the existence of earlier treatises on the śāstra as well as of manuals on the technical subjects, we need not suppose that Kauṭilya needed the help of any assistants. Even assuming that such manuals did not exist, we can still believe that he himself collected such material from experts in those subjects. In any case, so far as the technical and other chapters in Book 2 are concerned, there was hardly any real scope for difference of opinion. Perhaps there was as little scope for any significant difference of opinion on the topics discussed in Book 4 as well. That would partly explain the absence of reference to the opinions of earlier teachers in these Books.

To conclude, it appears reasonable to suppose that except in those cases where divergent opinions are specifically attributed to Kauṭilya, the bulk of the teaching in this text is materially the same as he found it in the source-books on which he relied. Such material may have been derived, in some cases, from sources other than works on Nīti. But with the exception of the contents of Chapter 2.10, no significant addition to the teaching of the śāstra can reasonably be credited to him.

In the last of the concluding ślokas at the end of the text we read that it was composed by that person by whom the śāstra, the weapon and the land in the possession of the Nanda kings were 'rescued' or 'raised' (*uddhṛtāni*).[36] That the kingdom of the Nandas was snatched from them for Candragupta Maurya by Kauṭilya is an ancient tradition. That the weapon was lifted up by him may suggest that he had, in his anger, occasion to use it. As regards the śāstra, we have probably to understand by *uddhāra* its resuscitation, the idea being that in his day it had fallen into neglect or disuse. The *amarṣa* 'anger' or 'resentment' in this case would seem to refer to the distress of Kauṭilya that the study of this important science should be neglected and its teaching ignored by those for whose guidance it had come into being.

35 KSt, III, p. 10.

36 येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः ।
अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं कृतम् ॥ KA, 15.1.73.

It is also possible, though not certain, that *amarṣa* indicates the vehemence with which the opinions of the earlier teachers are rejected by Kauṭilya. Jacobi says, for example, " He is vexed with the narrow-mindedness of his predecessors ; he has without a moment's hesitation (*āśu*) thrown overboard their dogmatism ; it implies the sense of contempt in which the ' Professors ' are held by the statesman, which even Bismarck was at no pains to conceal."[37] It is doubtful if the predecessors, Bhāradvāja and others, can be designated ' Professors ' in the sense of theoreticians unacquainted with practical affairs. And a sense of contempt for their opinions is hard to find in this text. It is almost always a straightforward statement of a difference of opinion.

U. N. Ghoshal understands the expression used in the śloka to mean that in Kauṭilya's day the science had become ' a tangled maze of divergent ideas ', that he overhauled it and that the present text is therefore to be looked upon as ' a virtual reconstruction of the science.'[38] It is undoubtedly true that where Kauṭilya is represented as differing from the earlier teachers, his is generally the sane and moderate standpoint as compared with many extreme, often one-sided, sometimes irrational view-points of the predecessors. Wilhelm has shown that where the earlier authorities recommend a rigid norm, Kauṭilya tends to free himself from a fixed scheme and to offer a pragmatic view (e.g., *yathāparādham*, 2.7.15, *yāthāsāmarthyaṃ*, 1.15.50, *sarvam upapannaṃ*, 1.8.27 and so on).[39] He condemns on practical as well as moral grounds an earlier view that the prince should be kept engrossed in vulgar pleasures or that a suggestion should be made to him that he should rise against his father and seize the kingdom (1.17.22-30). On the same grounds he rejects the opinion that the minister should himself seize the throne (5.6.32). He warns against bringing in the king or the queen for the purpose of the secret tests (1.10.16-19). He shows a keener appreciation of the various dangers threatening the state (Chapter 8.4) and has more reasonable ideas about the importance of the various state undertakings (Chapters 7.9-12). It is, therefore, possible to say that the śāstra as it emerges from Kauṭilya's hand is more sober, more rational and inevitably more advanced than was the case in the earlier writings. There can be no doubt about his superior political insight and practical wisdom, to which Ghoshal refers. Yet to say that this work is a reconstruction of the science is to exaggerate his role to some extent. The śloka which speaks of the ' *uddhāra* ' of the śāstra reminds one of Kāmandaka's remark that Viṣṇugupta ' had extracted the nectar

37 IA, 47 (1918), p. 194.

38 *A History of Indian Political Ideas*, p. 111. Cf. also K. Nag, *Les Théories* etc., pp. 61-62.

39 Wilhelm, *op. cit.*, pp. 138-139.

of Nītiśāstra from the ocean of Arthaśāstra.'[40] It is significant that the verb used there is the same, *uddadhre*.

It was argued in the first chapter that Arthaśāstra cannot be regarded as indebted to Dharmaśāstra for its teaching on administration, politics and law.[41] That śāstra is, however, old and clearly known to our text. Though Dharmaśāstra is directly mentioned only in what is probably a spurious sūtra (1.5.14), the author's acquaintance with that śāstra cannot be in doubt. The description of the duties of the four *varṇas* and the four *āśramas* in Chapter 1.3 is obviously derived from Dharmaśāstra works, by which we have to understand the early *Dharmasūtras*.

The sūtra in which Dharmaśāstra is directly mentioned supposedly explains the term Itihāsa used in the preceding sūtra and states that by Itihāsa we have to understand Purāṇa, Itivṛtta, Ākhyāyikā, Udāharaṇa, Dharmaśāstra and Arthaśāstra.[42] This is a very unusual description of what constitutes Itihāsa. Purāṇa is always distinguished from Itihāsa.[43] And Dharmaśāstra and Arthaśāstra are also not regarded as forming part of Itihāsa. Moreover, this description is not in conformity with the position assigned to Itihāsa, that of a Veda, elsewhere in the text.[44] It is obvious that the sūtra, 1.5.14, is a marginal gloss, explaining the word Itihāsa occurring in the preceding sūtra, which got into the text. But the explanation is far from accurate. By Itihāsa the author may be understood to mean only the ancient tales either of a mythical or of a historical character.

The text refers to such tales, some of which can be traced to the two epics, the *Mahābhārata* and the *Rāmāyaṇa*, in the same or in a different form. In 1.6.5-10 a number of kings are mentioned who are said to have perished through lack of control over their senses. In 1.6.12 are mentioned kings who ruled over the earth for a long time because they had perfect control over their senses. In 8.3.41-43 we have a mention of kings who won or lost in gambling. The story of Māṇḍavya is referred to in 4.8.12. It is to be noted in this connection that the epic account differs in at least four of these cases from what is stated in this text. Thus, according to our text it was Dvaipāyana who caused the destruction of the Vṛṣṇisaṁgha, but according to the *Mahābhārata* the sages Viśvāmitra, Kaṇva, and Nārada, were responsible for that.[45]

40 नीतिशास्त्रामृतं श्रीमानर्थशास्त्रमहोदधेः ।
य उद्दध्रे नमस्तस्मै विष्णुगुप्ताय वेधसे ।। *Nītisāra*, 1.6.

41 See pp. 12-16 above.

42 पुराणमितिवृत्तमाख्यायिकोदाहरणं धर्मशास्त्रमर्थशास्त्रं चेतीतिहासः । KA, 1.5.14.

43 Cf. *Bṛhadāraṇyaka Upaniṣad*, IV.5.11 ; *Chhāndogya Upaniṣad*, VII.1.2, etc.

44 सामर्ग्यजुर्वेदास्त्रयस्त्रयी । अथर्ववेदेतिहासवेदौ च वेदाः । KA, 1.3.1-2.

45 Mbh, 16.2.4ff.

This text says that Jāmadagnya ruled over the earth for a long time; but no epic account refers to Jāmadagnya as a king. It appears from this text that the name of the brother of Nala was Jayatsena, but the *Mahābhārata* mentions Puṣkara as his name.[46] According to our text, Māṇḍavya remained silent and tacitly admitted the guilt of theft because he was afraid of being put to torture; according to the *Mahābhārata*, however, he did not say anything because of his vow of silence.[47] In view of these divergences from the epic accounts, we shall be justified in concluding that this text knew a different, and most probably an earlier, tradition. It may be noted that Aśvaghoṣa in *Buddhacarita*, 11.31, and *Saundarananda*, 7.39 and 44, refers to some of the kings who are here said to have perished because of lack of self-control. It would hardly be right to look upon those poems as the source of the tales mentioned in this text. Evidently both relied on a common source, namely, an old epic tradition.

Some of the other tales referred to in this text appear to have a non-epic origin. In 9.7.36 Suyātra and Udayana are mentioned as kings who were able to recover their lost kingdoms. The commentators identify Suyātra with Nala. But Udayana is definitely unknown to the epics. He is admitted to be a historical king, more or less contemporaneous with Gautama Buddha. The kings who, according to 1.20.15-16, were murdered in their queens' apartments, are also unknown to the epics. The same kings are mentioned in the same connection in the *Bṛhatsaṁhitā* of Varāhamihira, 78.1-2, the *Harṣacarita* of Bāṇa, pp. 199-200 and elsewhere. The tales evidently go back to a common source, now lost, which may have been of a historical or quasi-historical character. So far as the *Bṛhatsaṁhitā* and the other works are concerned, however, it may well be that they knew no other source for these tales than the present *Arthaśāstra* itself.

Concerning the technical branches of study, many details of which are found in Book 2, it was suggested above that the material of these chapters was probably derived from manuals on the various sciences, arts and crafts.[48] Such old manuals have, of course, not been preserved. But works dealing with these subjects, mostly belonging to the medieval period, have come down to us. That these works could not have been the sources of this text would appear to be quite obvious. However, it is sometimes suggested that it is based on or at most contemporaneous with these medieval works. That view will be considered in the next chapter.

46 Mbh, 3.56.4ff.

47 Mbh, Ch. 1.101. For a discussion of the divergences between this text and the *Mahābhārata*, see Jacobi, IA, 53 (1924), pp. 144-145.

48 See pp. 54-55 above.

CHAPTER FOUR

AUTHOR AND DATE

EVER since the publication of the *Kauṭilīya Arthaśāstra* by R. Shama Sastry in 1909, the question of its authorship and date has been the subject of a rather heated controversy. The traditional view in this matter is that Kauṭilya, also known as Cāṇakya or Viṣṇugupta, who destroyed the power of the Nandas and placed Candragupta Maurya on the throne of Magadha, is the author of this work. And as Candragupta is known to have come to the throne in 321 B.C. or thereabouts, the date of the composition of the work is assumed to be the end of the fourth century B.C. This traditional view is reinforced with a number of arguments by Shamasastry in the Preface to his English translation.

This view about the author and his date is accepted by many scholars, notably by J. F. Fleet (Introductory Note to Shamasastry's English translation), H. Jacobi (articles in SKPAW, 1911 and 1912), J. J. Meyer (Introduction to his German translation of the text), B. Breloer (KSt, I-III) and others. Many, as for instance F. W. Thomas (*Cambridge History of India*, Vol. I), though uncertain about its date, assume that the work falls within or near the Mauryan period and use it for an understanding of that period. The traditional view is contested principally by J. Jolly (Introduction to the Punjab edition of the text), M. Winternitz (*Geschichte der indischen Litteratur*, Vol. III, and elsewhere), A. B. Keith (*A History of Sanskrit Literature*, JRAS, 1916, and elsewhere), O. Stein (*Megasthenes und Kauṭilya*, articles in AOr and elsewhere), K. Nag (*Les Théories diplomatiques* etc.), Pran Nath (IA, 1931) and others. Attempts to meet the arguments against the traditional view have been made by K. P. Jayaswal (HP), N. N. Law (Calcutta Review), D. R. Bhandarkar, P. V. Kane, K. A. Nila kanta Sastri, V. R. Ramachandra Dikshitar, D. D. Kosambi and many others. It is necessary to review the salient features of the controversy on this important question.

A statement about the authorship of the work is found in the first Chapter, where towards the end we read that the śāstra was composed by Kauṭilya, avoiding all prolixity, etc.[1] At the end of the work, again, we read that the śāstra was composed by that person who, in resentment, rescued the earth from the Nanda kings and so on.[2] There

1 कौटिल्येन कृतं शास्त्रं विमुक्तग्रन्थविस्तरम् । KA, 1.1.19.

2 See p. 55, n. 36 above.

is also the fact that the work is called *Kauṭilīya Arthaśāstra* 'the *Arthaśāstra* of Kauṭilya, i.e., composed by Kauṭilya' in the colophons at the end of the various adhikaraṇas or Books in the text. Finally, there are those numerous places in the text where we find criticism of the opinions of the earlier teachers, followed by the assertion of Kauṭilya's own opinion. In all these cases, Kauṭilya's opinions are stated last, indicating that the statement of the controversies proceeds from him. From this it can be presumed that the rest of the work is also composed by him.

The tradition that Kautilya is the author of this text seems to have been generally accepted since fairly ancient times. The *Nītisāra* of Kāmandaka, for example, asserts that the wise Viṣṇugupta, who had destroyed the Nandas by his magic lore and given the earth to Candragupta, extracted the nectar of Nītiśāstra from the ocean of Arthaśāstra works.[3] This undoubtedly refers to the present work, on which the *Nītisāra* itself is based. Similarly, there can be no doubt that Daṇḍin has the present work in mind when he refers to the Daṇḍanīti composed by Ācārya Viṣṇugupta for the sake of the Maurya King.[4] In fact, the *Daśakumāracarita*, in the same *Ucchvāsa*, directly refers to numerous passages from the present work. Thus, it reproduces the daily routine recommended for a king in Chapter 1.19 of our text, with the object of holding it up to ridicule. In another place it testifies to the truth of a statement of Cāṇakya concerning men who are able to find favour with the king and those who are unable to do so.[5] This statement is actually found in our text in 5.4.13-14. It also refers to the forty ways of embezzlement described by Cāṇakya.[6] These are, in fact, actually described in 2.8.20-21 in our text. It is true that Daṇḍin mentions Viṣṇugupta or Cāṇakya as the name of the author and does not refer to the name Kauṭilya. But there can be little doubt that in the ancient tradition all the three names belong to the same individual. The *Mudrārākṣasa* of Viśākhadatta clearly shows that Kauṭilya is another name for Cāṇakya, who is the central

3 यस्याभिचारवज्रेण वज्रज्वलनतेजसः।
पपातामूलतः श्रीमान् सुपर्वा नन्दपर्वतः॥
एकाकी मन्त्रशक्त्या यः शक्त्या शक्तिधरोपमः।
आजहार नृचन्द्राय चन्द्रगुप्ताय मेदिनीम्॥
नीतिशास्त्रामृतं श्रीमानर्थशास्त्रमहोदधेः।
य उद्दध्रे नमतस्मै विष्णुगुप्ताय वेधसे॥ *Nītisāra*, 1.4-6.

4 See p. 21, n. 3 above.

5 सत्यमाह चाणक्यः—'चित्तज्ञानानुवर्तिनोऽनर्थ्या अपि प्रियाः स्युः। दक्षिणा अपि तद्भावबहिष्कृता द्वेष्या भवेयुः' इति। *Daśakumāra*, VIII.

6 चत्वारिंशतं चाणक्योपदिष्टानाहरणोपायान् इ०। *Daśakumāra*, VIII.

figure of that play of political intrigue. Though the play does not refer to the *Arthaśāstra* composed by Cāṇakya or Kauṭilya, it shows a very close acquaintance with the present work. It makes use of the various stratagems, diplomatic moves etc. recommended in it and in some places refers to its teaching.[7] The Jain Canonical work, *Nandisūtra*, mentions *Koḍillaya* among the *mithyāśāstras* or false doctrines. That obviously refers to the present work. Bāṇa, in his *Kādambarī*, refers to the *Kauṭilyaśāstra*, which is declared to be mostly very wicked or cruel in its teaching.[8] By this is undoubtedly meant the present work. Thus we find that at least from the fifth or sixth century A.D. onwards the present work is believed to have been composed by Kauṭilya, also known as Cāṇakya and Viṣṇugupta, who was instrumental in overthrowing the Nandas and placing Candragupta Maurya on the throne.

However, all this evidence, cannot be regarded as decisive. The indications found in the work itself concerning its author may be said to be of questionable value. The śloka, 1.1.19, for example, does not appear to be original and seems to have been added by some later hand.[9] The same would also appear to be the case with the last śloka, 15.1.73. As for *Kauṭilīya* appearing in the title and the colophons, it can also be understood in the sense of 'as taught or expounded by Kauṭilya,' which does not necessarily imply its composition by him. And as regards the passages where Kauṭilya's own opinions are stated by the side of those of other teachers, the inference would rather be that someone else, and not Kauṭilya himself, has referred to his opinions in this way. Keith, for example, says, "The mode of citation is prima facie that of an authority; no one, for example, holds that the *Kauṣītaki Brāhmaṇa* was written by the Kauṣītaki whom so often it quotes as authoritative."[10] It is, therefore, possible to hold that there are no definite indications in the text which prove the authorship of Kauṭilya.

Besides, many arguments have been advanced for rejecting the authorship of Kauṭilya for this work. To start with, the very existence of such a person as Kauṭilya at the time of Candragupta Maurya is regarded as doubtful. R. G. Bhandarkar, for example, refers to the

7 Cf. विजिगीषुरात्मगुणसंपन्नः प्रियहितद्वारेणाश्रयणीय इति । Act IV, which is the same as KA, 5.4.1 ; also compare बहुष्वभियोगकारणेषु सत्सु व्यसनमभियुञ्जानस्य शत्रुमभियोक्तुरेकान्तिकी कार्यसिद्धिर्भवति । Act IV, with KA, 9.1.42-43.

8 किं वा तेषां सांप्रतं येषामतिनृशंसप्रायोपदेशनिर्घृणं कौटिल्यशास्त्रं प्रमाणम् । in Śukanāsa's advice to Candrāpīḍa.

9 See p. 21 above.

10 JRAS, 1916, p. 135. Cf. also Winternitz, *Some Problems of Indian Literature*, p. 98.

circumstance that Patañjali in his *Mahābhāṣya* does not mention Kauṭilya, though he refers to the *sabhā* of Candragupta and to the Mauryas. He, therefore, concludes that Kauṭilya must be assigned to a date later than that of the *Mahābhāṣya*.[11] Similarly, Winternitz regards it as remarkable that Megasthenes, who was at the court of Candragupta as an ambassador of Seleucus, does not mention Kauṭilya.[12] These arguments, however, are hardly tenable. Patañjali does not profess to give the names of those who adorned the *sabhā* of Candragupta or to describe the reign of that emperor. Beyond the bare reference to the *sabhā* of Candragupta, Patañjali says nothing about the entourage of that monarch. It is, therefore, not quite reasonable to expect him to mention the minister of Candragupta by name. He refers to persons or events only incidentally, when there is occasion for doing so in the course of his grammatical discussions. As to Megasthenes's silence, it may be pointed out that he does not mention any minister of Candragupta by name. One cannot suppose that Candragupta ruled without the help of a minister. Moreover, the *Indika* of Magasthenes is preserved only in fragments. One cannot be definite about what the lost portions contained or did not contain.

But, it is urged, even if there was such a person as Kauṭilya as the minister of Candragupta, he cannot be supposed to be the author of the present work. For, it is pointed out, this work makes no reference to Candragupta or his Empire, does not even mention Pāṭaliputra, the Capital of that Empire, though some other localities are mentioned and 'though rules for the building of a royal residence are given.'[13] Keith remarks that the *Arthaśāstra* "never anywhere hints that its author had any knowledge of the overthrow of the Nandas and the wars which brought Candragupta his empire and the cessions made by Seleucus. His sovereign's name, his family, what is still more amazing, his country, his capital are passed over in absolute silence by this alleged ancient statesman meditating in his days of retirement on the maxims of policy."[14] Again, referring to the defence of the traditional view by Jayaswal and Law, he adds that "neither of these authors explains why the author knows nothing of the Empire or of Pāṭaliputra."[15]

Such reasoning appears to be based on a misunderstanding of the nature of this work. It is unfortunate that the comparison of

11 Proceedings of the 1st Oriental Conference (Poona, 1919), pp. 24-25.
12 *Geschichte der indischen Litteratur*, III, p. 519.
13 J. Jolly, Introduction to the Punjab edition of the text, p. 43.
14 *A History of Sanskrit Literature*, p. 459.
15 *Ibid.*, p. 461, n. 1.

Kauṭilya with Bismarck by Jacobi should have led to a belief that the former's *Arthaśāstra* is comparable with Bismarck's *Memoirs*. There is, however, a basic difference between the two works. The former is not Kauṭilya's Memoirs, but a treatise on a branch of study composed in the traditional manner and based mainly on the earlier teaching on that subject. One has a right to expect a reference to contemporary personalities, events, situations and so on in a work of the kind of Bismarck's *Memoirs*. But it seems hardly fair to expect the same in a work which is altogether of a different kind. To a modern mind it might appear strange that an author should completely ignore contemporary events, particularly if he is supposed to have directly helped in shaping them. But we have to admit that in ancient India references to contemporary events in works of any kind are, as a rule, hard to find. And in the case of scientific works in particular, which often claimed to be based on the teaching of some mythical sage, if not of the Creator himself, a reference to any contemporary event or person would appear to be almost inconceivable.

The absence of a reference to Pāṭaliputra is easy to explain. Except in very few cases, the *Arthaśāstra* does not refer to any place, person or event. The exceptions are the kings or ministers, mentioned to illustrate certain aspects of the teaching of the śāstra, as in 1.6.4ff., 1.20.15-16, 5.5.11 etc. The names are derived from epic tradition or from ancient history. As to place-names, they are mostly referred to in connection with the products for which they may have been known. Thus we have *naipālaka* blankets, *pauṇḍraka*, *kāśika* etc. silks, *mādhura*, *āparantaka* etc. cotton fabrics and so on in Chapter 2.11, or *māgadha* and *mekala* stones for manufacturing weights in 2.19.10, or *kāmbojaka*, *āraṭṭaja* etc. horses in 2.30.29, or *kāliṅga*, *dāśārṇa* etc. elephants in 2.2.15-16. A reference to Pāṭaliputra would have been justifiably expected if the city were known for any special product. Nowhere is a city or a region mentioned to show the author's connection with it. It is difficult to see the point of Jolly's contention that since rules for the building of a royal residence are given, a mention of the city of Pāṭaliputra was expected if it is assumed that the author knew the city. It is not the intention of the author to describe a particular palace in a particular city. His aim is to describe in general terms how a palace should be built, in any city and in any kingdom.

It is also urged that the minister of Candragupta could not have written this work which deals only with the problems of a moderate-sized state.[16] It is true that the text is primarily addressed to the ruler of a comparatively small state, normally a member of a circle of twelve

16 *Ibid.*, Preface, p. xviii.

more or less similar states. But such has been the basis of the theory of this śāstra and the author had no intention of materially departing from the tradition. Besides it must not be forgotten that the text sets before such a ruler the ideal of the *vijigīṣu*, the would-be-conqueror, who is to try to establish suzerainty over the whole world. But even this ideal is no invention of our author; it was there in the teaching of the śāstra before him.

The argument from the size of the state implied in this text is sometimes used to prove that it could not have been composed in any period when there was an Empire in existence in India. Beni Prasad, for example, says, "The author is writing of very small states. The idea of a big state never enters his horizon. It seems improbable that he flourished during the days of the Maurya, Kalinga or Andhra Empire. For the same reason he cannot be placed during the Gupta period."[17] He thinks that the work reflects the same political conditions that are found in the Smṛtis of Manu, Yājñavalkya and Viṣṇu, written when India was fragmented in 'small states feudally related.'[18]

A number of misconceptions underlie this reasoning. It assumes that all these authors have taken the political conditions of their day into consideration, and that each of these works faithfully reflects the contemporary political situation. There is no basis for this assumption. All these works have derived their teaching from earlier authorities, and none of them ever intends to make a reference to any contemporary event. In the case of the *Arthaśāstra*, the earlier authorities may reasonably be supposed to have formulated the science in days before the rise of the Maurya Empire when there were only small states, which can, however, hardly be accurately described as 'feudally related'. Besides, it is not correct to say that the idea of a big state never enters the author's horizon. The *vijigīṣu* in the text is expected to 'conquer the world' which implies the conquest of the whole of India, designated as the *cakravartikṣetra*.[19] Again, it seems strange that the composition of this work should be regarded as inconceivable even during the days of the Kalinga and Andhra Empires. Surely the Kalinga Empire was neither so extensive nor so long-lasting as to prevent an author in some part of India from continuing to write as if that Empire had no significance for him. As for the Andhra Empire there is certainly no proof that it was spread over the whole of India so that no writer, anywhere, say, in North India,

17 Beni Prasad, *The State in Ancient India*, p. 252.

18 *Ibid.*, pp. 258-259.

19 देशः पृथिवी । तस्यां हिमवत्समुद्रान्तरमुदीचीनं योजनसहस्रपरिमाणं तिर्यक् चक्रवर्तिक्षेत्रम् । KA, 9.1.17-18.

could avoid taking note of its existence. It is thus quite unreasonable to draw any conclusions about the date of this work from the size of the state which is at the basis of its theory.

To disprove the authorship of Kauṭilya for this work it is further argued that it is not the work of a practical statesman at all, but the composition of a pedantic Pandit, filled as it is with 'endless and pedantic classifications and definitions.'[20] It may be conceded that the *Arthaśāstra* is the work of a Pandit. But the assumption that no Pandit could be a practical statesman at the same time is hardly justified. Ministers in India were, as a rule, expected to be Pandits, men learned in the śāstras, particularly learned in Nītiśāstra. There are numerous instances in history of learned men or Pandits being successful ministers, the most conspicuous instances being those of Hemādri at the court of the Yādava kings and of Sāyaṇa and Mādhava at the court of the Vijayanagara kings.[21] The association of Pandits with administration was inevitable, since ministers were for the most part drawn from the class of Brahmins.

It is also true that the work is filled with classifications and definitions. But classification and definition has been the method of treatment of all scientific subjects in ancient India. Nītiśāstra follows the same method. And our author only claims to have followed in the foot-steps of his predecessors in the matter of the treatment of his subject. Moreover, to characterise the classifications and distinctions as mostly puerile or pedantic is not quite just. One cannot seriously maintain that the classification of states in a rājamaṇḍala is pedantic or puerile; the basis of that classification, namely, that the state next to your own is hostile to you and the state beyond that friendly to you, is a well-attested fact of political life everywhere, since conflicts are, as a rule, likely to arise among immediate neighbours and those with a common enemy tend to make common cause against him. Nor is it possible to say that the classification of a state's constituent elements into the seven *prakṛtis* is pedantic. It shows a sound awareness of the factors essential to every state's well-being. The analysis of the various motives that are likely to impel the *vijigīṣu* or his enemy to follow different courses of action in the different situations that are likely to arise in their mutual relations is so thoroughly realistic that only men fully conversant with the running of a state and the administration of its foreign policy could have made it. Only very rarely can the classifications or distinctions be regarded as unrelated to the actual facts of political life.

20 Winternitz, *Some Problems of Indian Literature*, p. 97.
21 See D. R. Bhandarkar, ABORI, VII (1926), p. 78.

An important line of investigation in connection with the relation of this text to the Empire of Candragupta is a comparison of the statements in Megasthenes's fragments and those found in the *Arthaśāstra.* An exhaustive comparison between the two is made by O. Stein in his *Megasthenes und Kauṭilya,* during the course of which he has translated a number of *Arthaśāstra* passages into German, adding many useful notes. The result of his investigation is that the *Arthaśāstra* does not reflect the same conditions that are revealed in the account of Megasthenes. The following are, according to him, the important points of divergence between the two :

(1) According to Megasthenes, Palibothra (i.e., Pāṭaliputra) was surrounded by a wooden wall, while Kauṭilya specifically warns against the use of wood in the fortifications, since fire lurks in it (2.3.8-9). Stein refers in this connection to Waddell's *Report on the Excavations at Pataliputra,* according to which traces of ancient wooden palisades are found a few feet below the surface level. These are supposed to be the relics of the wooden wall mentioned by Megasthenes (*Megasthenes und Kauṭilya,* pp. 32-34).

(2) In the matter of metals and their working, the various chapters of the *Arthaśāstra* show acquaintance with a large number of metals (with different types of colour, purity, quality etc.), a wonderful technique of working them, and a large number of officers connected with the various aspects of working in metals. This, according to Stein, is an indication of a more highly developed cultural level than may be gathered from the statements in Megasthenes (*Ibid.*, pp. 63-64).

(3) Megasthenes refers to a board of officers working on the land (agoranomoi, which evidently stands for agronomoi) whose duty it was to measure land, to supervise canals, to control hunting, to bring in taxes and so on. Of such a board there is no trace in the *Arthaśāstra,* which mentions a number of separate officers carrying out many of these duties (*Ibid.*, pp. 233-248).

(4) Megasthenes refers to the administration of the city of Palibothra, which consisted of six boards of five members each, who looked after (i) workers and craftsmen, (ii) foreigners, (iii) registration of births and deaths, (iv) trade and commerce, (v) manufactured goods and (vi) collection of one-tenth of the price of articles sold respectively. The *Arthaśāstra* refers to no such boards; it only mentions the *nāgarika* and his assistants. And some of the functions assigned to the boards are unknown to this text (*Ibid.*, pp. 248-266).

(5) Megasthenes similarly refers to the military command consisting of six boards of five members each, who looked after (i) the navy, (ii) the military transport, (iii) the infantry, (iv) the cavalry, (v) the

chariot-divisions and (vi) the elephants respectively. The *Arthaśāstra* does not mention any naval officers; and the officers who look after the four army divisions, *aśvādhyakṣa*, *pattyadhyakṣa* and others do not constitute boards of five (*Ibid.*, pp. 267-277).

Stein remarks that for proving the contemporaneity or otherwise of the two works, a comparison of the administrative system revealed in them is of very great importance (pp. 232-233). For, he argues that Megasthenes could not have invented the administrative system described by him. His description must be supposed to have been based on his personal observation. Stein, however, admits that a certain artificiality, a schematism may also be present in his account (pp. 265-266).

These arguments of Stein have been adopted and carried a little further by Jolly, Winternitz and Keith.[22] Jolly, for example, argues that according to Megasthenes Indians knew only five metals and that they were inexperienced in mining and metallurgy, whereas in the matter of mining and metallurgy the *Arthaśāstra* shows a highly developed technical skill and a knowledge of chemical processes including a knowledge of alchemy.[23] It is also pointed out that whereas Megasthenes refers to only a few taxes, the *Arthaśāstra* mentions a tax on almost every activity of life.[24]

Before proceeding to consider these and similar arguments based on the statements of Megasthenes, a few things must be made clear first. Stein's entire work is based on the assumption that the *Arthaśāstra* must be expected to describe the actual conditions as they prevailed at Pāṭaliputra during the reign of Candragupta Maurya. Thus he has assumed, for example, that when describing the building of a fort, the author, if he was really Candragupta's minister, must be supposed to be describing only the fortifications at Pāṭaliputra or that when describing the king's life, he must be supposed to be describing the actual conditions in Candragupta's palace or that his description of the administration must be supposed to be based on Candragupta's administrative system since he was the latter's minister. There is however, no basis for such assumptions. The text does not profess to be a document describing the actual conditions in any particular kingdom. It is a theoretical treatise intended for the guidance of rulers in general, and it claims to be based mainly on earlier treatises of the same kind. It is, therefore, hardly justifiable to look upon the

22 Jolly, Introduction, pp. 33ff. Winternitz, *Some Problems of Indian Literature*, pp. 100 ff. Keith, Asutosh Memorial Volume, I, pp. 13ff.; *A History of Sanskrit Literature*, p. 460.

23 Jolly, Introduction, pp. 34-35.

24 *Ibid.*, p. 35.

Arthaśāstra as a document purporting to describe the actual conditions in the kingdom of Candragupta Maurya.

What is far more surprising is the circumstance that Stein himself is often very doubtful about the reliability of Megasthenes's testimony. Thus he thinks it possible that the reference by Megasthenes to 'the royal highway' of 10,000 stadia (about one thousand miles) running from West to East is probably due to a transfer of the idea by him from Persia to India (p. 18). Similarly, the reference to mile-stones in Megasthenes may be a case of transfer from Persia or Egypt to India (p. 21). Moreover, Stein clearly asserts that Megasthenes is wrong when he states that the width of the moat at Palibothra was 6 plethra or 177.60 metres (p. 38), or that in India the king alone can own horses and elephants (p. 60), or that Indians are ignorant of writing in view of what Nearchos (Alexander's admiral) and others have stated (p. 71), or that all land belongs to the king, who received a 'rent' on it (pp. 98,99) or that there are no slaves in India (pp. 112,113). Stein further admits that some of the statements of Megasthenes are unattested by other sources and are unlikely to be correct. Such are the statements that the king allowed himself to be massaged while on the seat of judgment (p. 74), that the king left the palace for acting as a judge or for performing sacrifices (pp. 80, 83), and that the wife who had killed the drunken king had the honour to live with his successor (p. 92). Stein regards this last as probably a tendentious statement. In the same category he would place some other statements, regarding them as due to Megasthenes's idealizing aims. Instances of this, according to Stein, are the statement that things in houses are without a watchman (p. 42), or that agriculturists are left undisturbed when a battle is going on (pp. 127,129), or that in connection with deposits there are no processes, no witnesses, no seal (p. 205). He also thinks it possible that the agronomoi are probably taken by Megasthenes from Plato's *Laws*, because of his idealizing aims (pp. 234-235, 248).

Further, Stein himself considers it as surprising that Megasthenes has not referred to the King's wife or wives, i.e., the harem, though female attendants are mentioned (p. 107), that he does not refer to the purohita or the priests when he refers to the king's going out for sacrifices (p. 290). In some cases Stein concedes that Megasthenes's statements are due to insufficient knowledge or observation on his part. Thus the statement about the purchase of a bride for a pair of cattle appears to Stein as a case of generalization from the practice of *ārṣa* marriages among some Brahmins, perhaps only in Magadha (p. 67). Similarly, the statement about the prohibition to drink wine is regarded as probably due to Megasthenes's observation being restricted to Brahmins only (p. 91). That there is no mention of villages anywhere

in Megasthenes is evidence, according to Stein, that he had seen little of India's land and the method of its management (pp. 194-196). The fact that while Megasthenes refers to many causes of polygamy, he shows no awareness of the religious motive for having a son (viz., the necessity of *piṇḍadāna*) is proof, according to Stein, that he was little acquainted with peculiar Indian customs (p. 68). Jolly also remarks that Megasthenes's work, "though earlier in date, is far inferior in intrinsic value to the itineraries of the Chinese pilgrims and to the great Arabian work of Alberuni on India."[25]

These are impressive doubts and reservations about the accuracy of Megasthenes's statements. It should also be remembered that the *Indika* of Megasthenes is preserved only in fragments found in the writings of later historians like Strabo, Arrian, Diodorus and others, so that a full picture of Megasthenes's description is not available to us. All this should ordinarily make one cautious in using his statements as testimony in the matter of the authenticity or otherwise of another work. It is, therefore, surprising, to say the least, to find it confidently asserted that the evidence of Megasthenes is against the authenticity of the *Arthaśāstra.* We may now proceed to consider this evidence in detail :

(1) As regards the supposed wooden wall at Pāṭaliputra, it should be stated that in 1877 McCrindle referred to the discovery of a long brick wall, and not far from it and parallel to it a line of palisades with an opening in one place which had all the appearance of a door or gate-posts.[26] The beams uncovered by Waddell himself are, in one place, two feet in diameter, in another place, 18 to 20 inches in diameter arranged in a double row, the individual posts appearing to be connected with transverse planks and the space between the double row of beams being probably filled with earth.[27] In a third place Waddell found the posts clamped together with bands of iron and he is inclined to think that it may have been a pier or the foundation of a tower. He admits that other beams appear more for drainage purposes than for defence.[28] As a matter of fact, it is extremely doubtful if the wooden beams uncovered at stray points during the excavations formed part of a wooden rampart going round the entire city. The palisades at most places appear to be intended for preventing flood waters inundating the city. For, the so-called moat 6 plethra wide mentioned by Megasthenes, could hardly be anything else but

25 Introduction, p. 41.
26 L. A. Waddell, *Report on the Excavations at Pataliputra (Patna)*, (Calcutta, 1903), p. 21.
27 *Ibid.*, pp. 22-23.
28 *Ibid.*, p. 24.

the river Son itself. What is more, Stein himself adds that the Archaeological Survey, VIII, 33, refers to four high stone and earthen walls at the end of the city, and that Rennel's Indian Atlas, Plate XV, refers to an earthen wall 32 feet high.[29] It is therefore not at all correct to say that Megasthenes's statement about the wooden wall at Palibothra is corroborated by modern excavations at the site of Pāṭaliputra. And as already remarked, the present text cannot be supposed to be describing the actual fortifications at Pāṭaliputra, even assuming that these corresponded to Megasthenes's description of them.

(2) Jolly's assertion that according to Megasthenes Indians knew only five metals is not true. Megasthenes mentions five metals by name, but adds 'and other metals'. We read in Diodorus: "It (the soil) has also under ground numerous veins of all sorts of metals, for it contains much gold and silver, and copper and iron in no small quantity and even tin and other metals, which are employed in making articles of use and ornament, as well as implements and accoutrements of war."[30] Concerning the alleged ignorance of mining and smelting, it should be pointed out that Megasthenes speaks of this ignorance not in connection with Indians in general, but in connection with those people who lived in the neighbourhood of the gold-digging ants and who are called Derdai (i.e., Daradas). After referring to the plateau where the Derdai live, Megasthenes describes the activity of the gold-digging ants 'not inferior in size to wild foxes' and goes on to add, "The people of the neighbourhood, coming secretly with beasts of burden, carry this (gold) off . . . . This they sell to any trader they meet with while it is still in the state of ore, for the art of fusing metals is unknown to them."[31] This clearly refers to the people of the neighbourhood. It is surprising that the statement should have been understood to mean that all Indians were ignorant of metallurgy in that age. That steel of the highest quality was produced in India in Alexander's time and before is proved by the testimony of Ktesias, Curtius and others. Ktesias, who was a Greek envoy at the Persian court before the days of Alexander, mentions two wonderful swords of Indian make received by him from the Persian King and his mother.[32] Curtius, a historian of Alexander's expedition, records that the Indian ambassadors (of the Malloi, who were defeated by Alexander) "returned with presents for Alexander, which consisted of 300 horsemen, 1,030 chariots each drawn by four horses, 1,000 Indian bucklers, a great quantity of linen

29 *Megasthenes und Kauṭilya*, p. 40.

30 J. W. McCrindle, *Ancient India as Described by Megasthenes and Arrian*, p. 30.

31 *Ibid.*, pp. 94-95.

32 Yule, *Marco Polo*, I, p. 94, quoted by J. W. McCrindle in *Invasion of India by Alexander the Great*, p. 251, n. 1.

cloth, 100 talents of steel, some tame lions and tigers etc."[33] M. Rostovtzeff, in fact, is inclined to think that the method of producing the best kind of steel was Indian in origin, being borrowed from there by Asia Minor. He is of the opinion that the later damascene steel was produced by the same methods as the excellent steel of which were made a bar found at the bottom of the Khan Baba Stone Pillar (before 125 B.C.) and the famous Delhi Pillar (of about 300 A.D.).[34]

As for the production of ornaments, military accoutrements and other objects of metals, one may refer to Alexander's historians, who testify to the gorgeous dresses and ornaments of the Indian kings and other leaders, and to the powerful and well organised military equipment that was everywhere put in the field against Alexander's forces. In many a place one gets the impression that but for Alexander's genius as a general on the battlefield, the Greek forces would have met more than their match in the Indian forces ranged against them. And soon after Alexander's departure, Candragupta was able to force Seleucus to cede the eastern regions of that part of Alexander's Empire which he had inherited. These things would be inconceivable if it is believed on the supposed testimony of Megasthenes that Indians in his day had very rudimentary ideas about the working of metals and the manufacture of articles from them.

As regards the alleged reference to alchemy in the *Arthaśāstra*, it should be pointed out that this supposition is based on an erroneous interpretation of the word *rasa* occurring in the text. It is assumed that in the expressions *rasapāka* and *rasaviddha*, the word *rasa* means mercury or quick-silver.[35] But nowhere in the text is that meaning for the word acceptable. In 2.12.1 the text refers to three kinds of ores, *bhūmidhātu*, *prastaradhātu* and *rasadhātu*, the last of which means 'liquid ore'. In the next sūtra the text then describes the *rasāḥ kāñcanikāḥ*, i.e., liquid ores containing gold. When, therefore, the earlier sūtra contains a reference to *rasapāka*, the latter expression must be understood to refer to the smelting of this liquid ore for extracting gold from it, just as *suvarṇapāka* in 1.18.8 means the smelting of gold ore. The *rasāḥ kāñcanikāḥ*, it is stated, can transmute copper or silver when smelted along with them (*tāmrarūpyayoḥ śatād upari veddhāraḥ*). But the detailed description of the *kāñcanikāḥ rasāḥ* given in 2.12.2 can by no stretch of imagination be regarded as a description of mercury. It is this process of smelting liquid gold ore with copper or

33 McCrindle, *op. cit.*, pp. 251-252.

34 M. Rostovtzeff, *The Social and Economic History of the Hellenistic Period* (Oxford, 1941), II, p. 1218.

35 K. Nag, *Les Théories diplomatiques* etc., p. 117; Jolly, Introduction, pp. 42-43; Winternitz, *Geschichte* etc., III, p. 523; Keith, Asutosh Memorial Volume, I, p.16.

silver which produces the *rasaviddha* type of gold mentioned in 2.13.3. That is shown by the use of the same root *vyadh* as in 2.12.3 and 5. In fact, sūtra 2.12.5 refers to gold ores from soil or rock (*bhūmidhātu* and *prastaradhātu*) as being also capable of transmuting copper or silver. The same root *vyadh* is used, but there can be no question of mercury being thought of in this case. It is, therefore, not true that *rasa* in the *Arthaśāstra* means mercury and that it is acquainted with alchemy which involves the use of mercury. The attempt to find an Arabian or Greco-Syrian origin for the supposed knowledge of alchemy in this text[36] must be regarded as misdirected.

(3) As regards the agronomoi, the officers working on land, Stein himself concedes the unreliability of Megasthenes's testimony when he suggests that Megasthenes probably derived the idea from Plato's *Laws* and when he further argues that Megasthenes, who does not mention villages anywhere, probably had seen little of India's land and the method of its management. And considered by itself, his description of the rural administration hardly appears likely in Candragupta's Empire. But even if it were granted that such a rural administration actually prevailed in Candragupta's Empire, that would prove nothing about the *Arthaśāstra*, which does not profess to describe the administrative system prevailing in any particular kingdom.

(4) Similar remarks would apply to the administrative setup in the city described by Megasthenes. If what he says about the six boards is accepted as true, it would at most mean that Pāṭaliputra under Candragupta Maurya was probably administered in that manner. Breloer has tried to show that the astynomoi described by Megasthenes were a reality in ancient Indian cities. He cites the instance of the city of Nysa, which sent an embassy of thirty officers under their leader Akuphis to Alexander, according to a statement in Arrian.[37] This may, for aught we know, have been true of the city of Nysa, which claimed to have been founded by Greeks long before Alexander's days. Perhaps similar boards ran the city of Pāṭaliputra, though that appears doubtful. But the city administration by the *nāgarika* in Chapter 2.36 of the *Arthaśāstra* is not meant to be that of Pāṭaliputra under Candragupta, or of any particular city in a particular kingdom.

(5) As for the six pentads concerned with military administration, it is quite true that the *Arthaśāstra* does not know such boards. But it is more than doubtful if there was really such an exactly parallel organisation in military matters as there is supposed to have been in civil administration. This is surely a case of that artificial and sche-

36 Jolly, Introduction, pp. 42-43.
37 ZDMG, 89 (N.F.14), 1935, pp. 61ff.

matised description to which Stein refers. Even Jolly expresses the opinion that Megasthenes has probably transferred the organisation from the civil to the military.[38] It appears to be a questionable procedure, therefore, to impugn the authenticity of the *Arthaśāstra* on the strength of evidence regarded as doubtful by oneself. Stein had laid stress on the importance of the description of the administrative machinery in Megasthenes for purposes of comparison. But it is quite clear that his description of rural administration and of the military organisation can hardly be regarded as based on his personal observation; that would also appear to be true of the city administration.

(6) If Megasthenes refers to only a few taxes, that may be due to the fragmentary character of the information preserved from his work, perhaps also due to insufficient observation on his part. But it is not very likely that the Empire of Candragupta was sustained on the meagre resources mentioned by him. In Candragupta's reign a vast army was mobilised and marched up to the Indus and beyond. According to Pliny, the Maurya army that met Seleucus consisted of 600,000 infantry, 30,000 cavalry, 9,000 elephants and about 8,000 chariots, all on daily pay. This would hardly have been possible without material resources more powerful and supple than the few taxes mentioned by Megasthenes.[39]

It may be pointed out in the end that a vigorous defence of Megasthenes's account as to its truthfulness has been made by B. Breloer. He has argued, for example, that Megasthenes's statement about all land being owned by the state is quite correct and that this statement is corroborated by the *Arthaśāstra*.[40] Similarly, he points out that Megasthenes's statement about all Indians being free and there being no slaves, if properly understood after bearing in mind the point of view of a Greek of the fourth century B.C. looking at Indian conditions of the day, must be accepted as true.[41] Again, his statement about there being no processes, no witnesses, no seal in the matter of deposits is based on facts as it brings out, according to Breloer, the essential difference in the matter of making deposits in Greece and in India.[42] He has also made a valiant attempt to show that the seven classes of Indian society mentioned by Megasthenes really reflect the Indian social conditions of his day, provided we visualise how these would appear to a Greek of that age.[43] There appears to be a great deal of validity

38 Jolly, Introduction, p. 41.
39 Cf. L. de La Vallee Poussin, *L'Inde aux Temps des Mauryas* etc., p. 75.
40 KSt, I, *Das Grundeigentum in Indien.*
41 KSt, II, pp. 1-69.
42 KSt, II, pp. 70ff.
43 ZDMG, 88 (N.F.18), 1934, pp. 130-164 : Megasthenes über die indische Gesellschaft.

in these and other contentions of Breloer. Nevertheless, it should be borne in mind that the statements of Megasthenes have really little bearing on the question of the date of the *Arthaśāstra*, since the latter does not claim to describe conditions in Candragupta's kingdom.

We may now turn to other arguments bearing on this question of date. The text, particularly in the Second Book, refers to a number of place-names in connection with various products. It is argued that many of these regions could not have been known in India so early as the fourth century B.C. K. Nag, for example, says, " Every serious historian will hesitate to consider as written in the fourth century B.C. a treatise containing names like Hārahūra and Kapiśa, Kāmboja and Āraṭṭa, Bāhlīka and Vanāyu (Arabia), Tāmraparṇī and Pāṇḍyakavāṭaka, Suvarṇakuḍya and Suvarṇabhūmi, Cīna and Nepāla."[44] Of these the most important undoubtedly is Cīnabhūmi mentioned as the source of silk known as *cīnapaṭṭa* in 2.11.114. This is naturally looked upon as a reference to China which is well-known for its silk since very ancient times. Many Sinologists are of the opinion that the name Cīna came to be used for that country only after the Tsin or Chin dynasty had established its sway over the whole of China in the second half of the third century B.C. If that were really so, a reference to China would be impossible in a work assigned to the fourth century B.C. However, this view about the origin of the name is not acceptable to all scholars. It has been pointed out, for example, that the derivation of the name China from the feudal state of Tsin or Chin, which was first put forth by the Jesuit M. Martini, appears unlikely because to the Chinese the Chins were usurpers, theirs being an illegal rulership established by force that was very soon replaced by the Han dynasty.[45] Moreover, in the Chun Chin period, that is, from 722 to 481 B.C. and in the period of the Warring States, that is, from 481 to 221 B.C. the state of Chin was a member of the Chinese confederation. It came out victorious in the struggle for power among the six states ; but the victory proved short-lived, as the Han Empire was established very soon thereafter.[46] The existence of the state of Chin from 722 B.C. is, therefore, not in doubt. Hence, even if the relationship between Chin and China be accepted, it would still be possible to believe that this relationship was established in the minds of the rest of the world long before Chin came to power in the whole of China, particularly since the home state of Chin was Shensi in North-West China through which contacts with the outside world were mostly

44 *Les Théories diplomatiques* etc., p. 118.
45 See F. E. A. Krause in ZDMG, 85 (N. F. 10), 1931, p. 213.
46 C. P. Fitzgerald, *China* (London, 1942), pp. 53-71.

made.[47] Again, it should be noted that the identification of Sanskrit Cīna with China has also been called in question. K. P. Jayaswal has suggested, on the authority of G. Grierson—*Linguistic Survey of India*, Part IV, p. 5—that Cīna is rather to be identified with Shina, a Gilgit tribe. He points out that Cīna in Sanskrit literature is associated with Darada, Khaśa and other North-Western people and that, therefore, it can hardly be identified with China, which does not lie in that region.[48] This view, however unorthodox, cannot be lightly set aside. Finally, the possibility that the sūtra containing the reference to Cīnabhūmi is a tag added by a later hand cannot also be overlooked.[49]

As regards the other place-names referred to by Nag, there is nothing to show that products from those regions could not have come to India in the fourth century B.C. Pearls from the south or blankets from Nepal must surely have reached North India in that century if not much earlier. Hārahūra and Kapiśa, no doubt, lay beyond the North-West frontier of India. But the belief that regions beyond that frontier were unknown in India before the invasion of Alexander is hardly justified. We have proof of commerce between India and Babylonia and between India and Iran long before the fourth century B.C. Sennacherib, the Assyrian king of about 700 B.C., is said to have planted, among others, cotton trees, of which he says, "The trees that bore wool, they clipped and carded it for garments." These cotton trees came from India.[50] As to Iran, it is well-known that part of North-Western India was conquered by Darius I about 518 B.C. and incorporated in the Achaemenian Empire to form the twentieth Satrapy. An Indian contingent consisting of infantry, cavalry and chariots, was included in the army of Xerxes that invaded Greece, as Herodotus tells us.[51] This Iranian occupation of the region appears to have continued during two or three reigns. There is evidence to show that even during the still earlier Elamite rule in Iran there was undisturbed commerce between the capital Susa and India. For, among the objects found there are statuettes, plaques etc. made of ivory and an ape executed in lapis lazuli.[52] Besides, it has been shown that "Indian vessels were coasting along Gedrosia to Arabia and the Persian Gulf before the time of Alexander, for Nearchus got a guide in Gedrosia who knew the coast as far as the Gulf of Ormuz; but from those points, Arab

47 For a resume of the views of Pelliot, Jacobi, Laufer and others, see K. A. Nilakanta Sastri, IHQ, XIV (1938), pp. 380-387.

48 HP, I, p. 212, n. 1.

49 Cf. P. V. Kane, ABORI, VII (1926), p. 98, n. 29.

50 J. H. Breasted, *The Conquest of Civilization* (New York, 1938), p. 172.

51 A. V. Williams-Jackson in *Cambridge History of India*, Vol. I, pp. 334-335. L. de La Vallee Poussin, *L'Inde aux Temps des Mauryas* etc., p. 18.

52 See G. G. Cameron, *History of Early Iran* (Chicago, 1936), p. 208.

peoples had a monopoly."[53] It is, therefore, not at all unreasonable to suppose that regions beyond the North-Western frontier and their products were known in India even before the fourth century B.C. And there is no proof for showing that regions with names like Hārahūra, Kapiśa, etc. came into being only at a particular time and were unknown before that date.

The text uses the word *suruṅgā* very frequently; it means 'a subterranean passage, an underground tunnel.' In a learned article O. Stein has tried to show that the word is Greek in origin.[54] He argues that the word is to be found only in such comparatively late works as the *Daśakumāracarita*, the *Mudrārākṣasa*, the *Harṣacarita*, the *Nāṭyaśāstra* of Bharata and so on. The Greek word *syrigx* from which the Sanskrit word was supposedly derived is found used for the first time by Polybius who wrote in 180 B.C. Stein, therefore, concludes that a work making such frequent use of the word could not have been written so early as the fourth century B.C. In this connection it is to be noted that Polybius mentions a city called Sirynx and expressly says that it is a nickname. " It is obviously meant to sound like syrigx, which means either a covered gallery or a mine used in attacking a town."[55] That would show that the word syrigx had a much earlier origin. Moreover, it is not at all certain that *suruṅgā* has a Greek origin. Breloer regards it as far more likely that it has a Babylonian origin, since it was from the Babylonians that 'all peoples have learnt the art of siege.'[56] A non-Sanskritic Indian origin for *suruṅgā* is suggested by F. B. J. Kuiper, who thinks it possible that Khmer *ruṅ* in the sense of 'a hole' and Santali *suruṅ* also meaning 'a hole' are at the basis of the Sanskrit *suruṅgā*. He points out that one must be on one's guard when postulating a linguistic influence from Greece on India.[57] A Greek origin for the word *suruṅgā* can by no means be taken for granted.

It cannot, of course, be denied that Greek influences are to be found in India in the sphere of art, astronomy, coinage and so on. But it is possible to show that in matters where Greek influence is undeniable, the present text shows no trace of that influence.

The *Arthaśāstra*, for example, is singularly free from Greek influences in astronomy and shows knowledge that belongs to a definitely early age. It does not refer anywhere to *rāśis* or the zodiacal signs and their astrological influences, a knowledge of which was clearly derived from

53 W. W. Tarn, *The Greeks in Bactria and India* (Cambridge, 1938), p. 367.
54 ZII, III (1924), pp. 280-318 : Σῦριγξ und suruṅgā.
55 W. W. Tarn, *op. cit.*, p. 15.
56 Kst, III, p. 252, n. 2.
57 Acta Orientalia, Vol. XVII (Leiden, 1939), pp. 30-34.

the Greeks. On the other hand, there is a remarkable agreement between what we find in this text and the teaching of the *Vedāṅga Jyotiṣa* and that of the Pitāmaha and Vāsiṣṭha Saṁhitās as described in Varāhamihira's *Pañcasiddhāntikā*. Its description of a *yuga* of five years with two intercalary months, the five-year cycle beginning with the Uttarāyaṇa on the first day of Māgha, is in accordance with what is implied in the *Vedāṅga Jyotiṣa*.[58] It also accords with the teaching of Pitāmaha in Varāhamihira. Similarly, its statements about the increase and decrease in the length of the day agree with what we find in the Vāsiṣṭha Siddhānta in Varāhamihira. Now it is well-known that these two Saṁhitās are the earliest among those described by Varāhamihira and are altogether free from Greek influences.

Similarly, we find no trace of any Greek influence in the manufacture of coins as described in this text. Silver and copper coins of various denominations are to be manufactured by the *lakṣaṇādhyakṣa*, according to this text (2.12.24). A characteristic feature of Greek coinage and of Indian coinage inspired by the Greek example is the engraving of the ruler's effigy on the coin. To that there is no reference in the text. The word *lakṣaṇa* in the designation of the mint-master refers to the mark made on the coin. Such marks of various types are to be found on what are known as punch-marked coins. And it is generally admitted that punch-marked coins are much earlier than the Greek-inspired coins, the Taxila hoard being dated as early as 500 B.C.[59] According to Pran Nath, coining in the *Arthaśāstra* is the king's prerogative and that this is probably the result of foreign influence.[60] The *Arthaśāstra*, no doubt, mentions the minting of coins by the state. But coins manufactured elsewhere are pre-supposed by rules about different types of currency that are to be allowed to circulate provided they conform to the specifications laid down by the state (2.12.25, 4.1.44ff.). And even assuming that coining is a state monolopy in the *Arthaśāstra*, that would only be in keeping with the general trend of the teaching of this text which thinks of state monopolies in various fields and would not necessarily imply any foreign influence. The attempt of A. N. Bose to prove a late date for this work is based on the supposition that its silver coin is called *dharaṇa*, its copper coin *kārṣāpaṇa* and its gold coin *suvarṇa*.[61] All this is entirely untrue. The silver coin in this text is *paṇa*, and the copper coins *māṣaka* and *kākaṇī* (2.12.24). And it does not mention any gold coin.

58 See J. F. Fleet, JRAS, 1914, p. 998.
59 Cf. E. H. C. Walsh, JRAS, 1937, pp. 303-304.
60 IA, Vol. 60 (1931), p. 123.
61 Indian Culture, Vol. IV (1937-1938), p. 437.

The *Arthaśāstra* is a treatise dealing with politics. In the fourth century B.C., the age of Plato and Aristotle, political thought in Greece was at its zenith. But contact with the Greeks in Alexander's days and after has had no effect on Indian political thinking. It is not possible to point to a single element in Indian political thought, whether in the *Arthaśāstra* or later, that can be regarded as due to Greek influence.[62]

The *Arthaśāstra* deals with a number of topics which have formed the subject-matter of other independent works. Foremost among these is the topic of law and suppression of crime. This topic is dealt with in the Dharmaśāstra works at some length, particularly in Smṛti works beginning with the *Manusmṛti*. It was argued in the first chapter that Arthaśāstra is not likely to have borrowed its material on these questions from Dharmaśāstra works and that, on the other hand, it is the Dharmaśāstra works that are very likely indebted to Arthaśāstra for what they say on these topics.[63] It is necessary to compare the contents of the Smṛtis on the one hand and those of the *Kauṭilīya Arthaśāstra* on the other to find out their mutual chronological relation. It will suffice to consider only the Smṛtis of Yājñavalkya and Manu in this connection. Though Jolly was inclined to think that the *Arthaśāstra* is indebted even to the youngest Smṛtis, those of Nārada, Bṛhaspati and Kātyāyana, he seems to have impliedly given up that position when he expresses himself in favour of a third or fourth century A.D. date for this work.[64]

The Smṛti of Yājñavalkya shows the greatest affinity to the *Arthaśāstra* in its chapter on *vyavahāra*. On a large number of topics the two works show the same rules which are often found expressed in identical words. This is hardly explicable without the hypothesis of borrowing on the part of one from the other. And a close comparison of the two works leaves little room for doubt that the Smṛti cannot be regarded as the source on which the *Arthaśāstra* has drawn. For example, Yājñavalkya has nothing corresponding to *kaṇṭakaśodhana* which is treated at length in Book 4 of the *Arthaśāstra*. But he found himself constrained to refer to many of the offences mentioned in that Book. What he has therefore done is to include some of them in one or the other of his titles of law without caring to consider the appropriateness of that title to the offences so included in it. Thus, he has included in *sāhasa*, which involves the use of force, such offences as the formation of cartels by traders for raising prices, the wearing of the

62 Cf. Beni Prasad, *The State in Ancient India*, pp. 490-491.

63 See pp. 12ff. above.

64 Jolly's earlier stand will be found in ZDMG, 67, pp. 49-96 and Introduction, p. 17. For 3rd century A.D., see Introduction, p. 29.

customers' garments by washermen, cheating in the matter of weights and measures by traders, even the laying down of rates of profit for traders.[65] Similarly, he has included in *steya* or theft such matters as the investigation of murder, hitting a person with a weapon, causing abortion, murder of the husband by the wife and so on.[66] There can be little doubt that Yājñavalkya has tried to accommodate as many rules of the *Arthaśāstra* as possible in his scheme of the *vyavahāra-padas*. It is impossible to believe that the *Arthaśāstra* picked up these few rules so inappropriately placed and elaborated from them the entire suitably arranged Book on *kaṇṭakaśodhana*. Often Yājñavalkya appears to reproduce the words of the *Arthaśāstra* with modifications necessitated either by the metrical form of the Smṛti or by a desire to compress matter as much as possible. For instance, *tryaṅga* 'three limbs' in Yājñavalkya, 2.297, can only be explained by *vāmahasta-dvipāda* 'the left hand and the two feet' of 4.10.14 in our text. The latter expression is found in a chapter laying down corporal punishment for a large variety of offences. For certain offences the penalty of the cutting off of the left hand and the two feet is prescribed. Yājña-valkya, referring to only some of those offences, mentions the same penalty, but uses the word *tryaṅga*, which cannot be understood without a reference to the *Arthaśāstra*. As a number of the other rules in the chapter are ignored by Yājñavalkya, it is impossible to suppose that the latter is the source of that chapter. On the contrary, it is quite obvious that it is Yājñavalkya who is the borrower. Similarly, Yājña-valkya has compressed *kāṣṭha-loṣṭa-pāṣāṇa-loha-daṇḍa-rajju-dravyāṇām anyatamena* from 3.19.12 of our text into *kāṣṭhādibhiḥ* in 2.218. It can hardly be believed that it is the *Arthaśāstra* which has expanded an original *kāṣṭhādibhiḥ* into its detailed expression. In 2.231 Yājña-valkya reproduces the rule concerning punishment for abetment of *sāhasa*, which we find attributed to the Bārhaspatyas in 3.17.11 of our text. It is hardly possible to suppose that the rule was originally framed by Yājñavalkya and that our author, after borrowing it from him, attributed it to an old Arthaśāstra school. R. Shamasastry has referred to other instances, in some of which Yājñavalkya seems to have borrowed without quite comprehending the significance of the terms used in the *Arthasāstra*. Thus, he uses *yogya* to replace *yukta* which means 'an officer', a meaning unlikely for *yogya*.[67] T. Ganapati Sastri's attempts to refute Shamasastry's arguments and to show that it is the *Arthaśāstra* that is the borrower are far from convinc-

65 Yāj., 2.250, 238, 240, 251-252.

66 Yāj., 2.280, 277, 279.

67 Compare अयोग्यो योग्यकर्मकृत् of Yāj., 2.285 with युक्तकर्म चायुक्तस्य in KA, 3.20.17. See Shamasastry, English translation, Preface, pp. XVff.

ing, based as they are on the supposition that Yājñavalkya, the author of the Smṛti, is to be identified with the venerable sage Yājñavalkya, the pupil of Vaiśampāyana, who is supposed to have lived in the Vedic Age.[68] It is surprising to find scholars like Jolly and Keith, who would have been the first to repudiate any such hoary antiquity for Yājñavalkya, accepting as a fact fully demonstrated by Ganapati Sastri that the *Arthaśāstra* is posterior to Yājñavalkya.[69]

It is, of course, possible to argue that though Yājñavalkya is to be regarded as the borrower, his source may well have been some other Arthaśāstra work. Such a conclusion is regarded as more probable by Winternitz.[70] But it does not seem very likely that another work more or less exactly similar to the *Arthaśastra* was in existence when the *Yājñavalkyasmṛti* was composed, but that it has since disappeared, leaving the *Arthaśāstra* as the sole survivor of that genre of works. The correspondence between the *Arthaśāstra* and Yājñavalkya in wording is too close to allow a third very similar work being thought of.

If the indebtedness of Yājñavalkya to the *Arthaśāstra* appears to be beyond doubt, that of the *Manusmṛti* also can be shown to be no less evident. It must, however, be pointed out first that when the *Arthaśāstra* refers to the school of the Mānavas we cannot understand that as a reference to the *Manusmṛti*. In three of the five cases where the opinions of the Mānavas are referred to, namely, in 2.7.11 (punishment for officers causing loss to the treasury through negligence etc.), in 3.11.45 (false witnesses being liable to pay ten times the amount lost or gained through their evidence), and in 3.17.3 (fine for forcible seizure of gems etc. being equal to their value), there is nothing in the *Manusmṛti* corresponding to the rules. In the fourth place, 1.2.2-3, the Mānavas are said to have recommended the study of three *vidyās* only, treating Ānvīkṣikī as only a part of Trayī. The *Manusmṛti* in 7.43 prescribes the study of all four *vidyās* just as Kauṭilya himself is said to have done in the present text. Finally, in 1.15.47 the Mānavas are said to have recommended a *mantripariṣad* with twelve *amātyas*. The *Manusmṛti* does not mention a *mantripariṣad*, but only says in 7.54 that the king should appoint seven or eight ministers. There can be no doubt that the Mānavas mentioned in our text represent a school of Arthaśāstra, quite unconnected with the *Manusmṛti*.

On the other hand, the *Manusmṛti* shows its indebtedness to the *Arthaśāstra*, for example, in 8.53-56, which enumerate the causes that lead to loss of suit. A comparison with the *Arthaśāstra*, 3.1.19, leaves hardly any room for doubt that Manu has reproduced the latter's rules,

68 Trivandrum edition of the text, Vol. I, pp. 7ff.
69 Jolly, Introduction, p. 18 ; Keith, Asutosh Memorial Volume, I, p. 18.
70 Asutosh Memorial Volume, I, pp. 44-48.

though in his own words. In 8.182-184 Manu describes a stratagem to be used by the judge for the recovery of a deposit from one who denies having received it. The *Arthaśāstra* in 3.12.38-50 describes half a dozen different devices for recovering a deposit from a fraudulent depositary. The possibility of the *Arthaśāstra* being the borrower, responsible for expanding the single trick of the *Manusmṛti* into six is very remote. It is far more likely that the latter contented itself with just one trick and that the most simple one in order to avoid encumbering itself with too many details. Similarly, the *Manusmṛti* in 9.252-292 refers to the necessity of exterminating the *kaṇṭakas*. By the latter it understands two kinds of *taskaras* or thieves, those who move about openly and those who act secretly. Among the 'open' thieves are enumerated officers receiving bribes, deceitful artisans, gamblers, astrologers, clever prostitutes and so on. As we know, the *Arthaśāstra* contains a whole Book, the Fourth, dealing with *kaṇṭaka-śodhana*, which describes offences by many large categories of offenders (including the few mentioned in the *Manusmṛti*) and lays down punishment for them. It is impossible to suppose that the *Arthaśāstra* has developed this whole Book from the few ślokas in Manu. The same applies to Manu 7.201-203 which briefly state how a conquered territory should be treated. That appears to be a summary of the Section called *labdhapraśamana* in the *Arthaśāstra*, 13.5. One cannot suppose that the latter prakaraṇa is expanded from the three ślokas in Manu, who moreover shows his usual slant in favour of Brāhmaṇas when he speaks of worshipping Brāhmaṇas where the *Arthaśāstra* speaks of honouring *vidyāvākyadharmaśurapuruṣas* in the conquered territory (13.5.11). In many cases the ślokas in Manu reproduce the rules of the *Arthaśāstra* practically in the same words. Thus Manu 8.242, concerning cattle whose straying on other people's property does not involve a fine, is an echo of the *Arthaśāstra*, 3.10.24. So are the definitions of *steya* and *sāhasa* in Manu 8.332 identical with *Arthaśāstra*, 3.17.1-2. In Manu 7.205 appear statements about acts of divine and human agency, which are a summary of *Arthaśāstra*, 6.2.7-12, in practically the same words. It may also be pointed out that in 7.141 Manu says that when the king feels tired he should ask the chief minister (*amātyamukhya*) to deputise for him and look into the affairs of the subjects; there is no reference to the appointment of judges. But in 8.57 he mentions the *dharmastha*, who is undoubtedly 'the judge' as in the *Arthaśāstra*. What is more, in 9.234, he refers to *prāḍvivāka*, a term unknown to the *Arthaśāstra*, but common in later works in the sense of 'a judge'. There is little doubt that the *Manusmṛti* in these chapters is a compilation based on many sources, the *Arthaśāstra* being the most important among them.

Jolly, however, has argued that "the description of politics in Kauṭilya from the fifth adhikaraṇa onwards agrees in terminology with Manu, Chapter 7, but shows much more developed views on *prakṛti*, *upāya*, *vyasana* etc. than Manu, which does not exclude the possibility of Manu having used older Nītiśāstras."[71] It is difficult to see what exactly is understood by 'more developed views'. The position is, whereas the *Arthaśāstra* deals with these topics in full detail since they are germane to the śāstra, the *Manusmṛti* is concerned with mentioning only the salient features of the teaching of that śāstra. Nevertheless, Manu's statements about the *prakṛtis* cannot be regarded as primitive in comparison with what we find in the *Arthaśāstra*. In 7.155-157 he mentions the twelve kings and their *dravyaprakṛtis*, all together constituting 72 *prakṛtis*. We have no development beyond this in the *Arthaśāstra*, as a reference to 6.2.13-28 will show. In Manu, 9.294-297, there is a reference to the seven *prakṛtis*, the relative seriousness of their calamities and their relative importance. We have a full discussion of this in the *Arthaśāstra*, 8.1, but it cannot be maintained that it shows any 'more developed views' as compared with Manu. The same is true of the treatment of *upāyas* in the two works. The same *upāyas* are mentioned, as also the same six *guṇas* in the two works. The difference is in treatment, selective in one case and full in the other. In the case of the *vyasanas* or vices, it is possible to argue, if we were to follow Jolly's usual method, that it is the *Manusmṛti* that shows more developed views. For, while the *Arthaśāstra* in 8.3 mentions only seven *vyasanas*, four springing from lust and three springing from anger, the *Manusmṛti* in 7.45-52 mentions no less than eighteen *vyasanas*, ten *kāmaja* and eight *kopaja*, though it goes on to mention the same seven *vyasanas* as the *Arthaśāstra* and to speak of their relative seriousness. Winternitz grants that Manu's list of *vyasanas* is 'very probably an expansion of the shorter list.'[72] He also admits that the identification of Ānvīkṣikī with Ātmavidyā in Manu, 7.43, 'who thus gives to Ānvīkṣikī a theological turn' represents a later stage than that of the *Arthaśāstra*.[73] It should also be pointed out that the theory of the mixed castes in the *Arthaśāstra* is much simpler and may be said to be 'more primitive' than that in the *Manusmṛti*, as a comparison of 3.7.20-34 with Manu, 10.6-40, will clearly show. The latter refers to a large number of so-called mixed communities, of which there is no trace in the *Arthaśāstra*. It should thus be obvious that it is the *Manusmṛti* that is rather to be regarded as containing 'more developed views.'

71 ZDMG, 68 (1914), p. 355.
72 Asutosh Memorial Volume, I, p. 38.
73 *Loc. cit.*, p. 44.

While admitting the possibility of Manu's indebtedness to Kauṭilya, Winternitz has suggested the alternative possibility of the former being indebted to some other Arthaśāstra work, not the present text.[74] Such a possibility in the case of the *Manusmṛti* cannot be altogether overlooked. In particular, its reference to some *vyūhas* like *varāha*, *garuḍa* and *padma* in 7.187-188, which are not found in Kauṭilya, and to six *durgas* in 7.70-72, which are different from the four types with two sub-divisions each in our text, would show that Manu had some other source before him. Its two-fold division of each of the six measures of foreign policy (7.162-168) may also have been derived from another source, though it is not unlikely that it is the creation of the author of the *Manusmṛti* himself. But even if the existence of some other work on this science at the time of the composition of the *Manusmṛti* be admitted, the points of close agreement between this *Smṛti* and the present text referred to above cannot be ignored. That the *Manusmṛti* derived its material from more than one source in this respect is quite conceivable. The *Kauṭilīya Arthaśāstra* had probably not brought about a complete eclipse of other works on the science by that time.

It may, therefore, be safely concluded that the *Arthaśāstra* cannot be regarded as indebted to the Smṛtis of Manu and Yājñavalkya and hence posterior to them in date. On the contrary, it seems extremely probable that these Smṛtis knew and utilised this text of the *Arthaśāstra* and are therefore later in date than this work.[75]

Another śāstra which has points of contact with the *Arthaśāstra* is the Śilpaśāstra. In a series of articles O. Stein has compared the *Arthaśāstra* rules about the building of the fort and the palace, about the layout of the city and so on with the teaching of the Śilpaśāstra as found in works like the *Mayamata*, the *Mānasāra*, the *Samarāṅgaṇasūtradhāra* and others, which belong mostly to the medieval period.[76] His general conclusion appears to have been that the *Arthaśāstra* is in point of time nearer these Śilpaśāstra works if not even later than these.

He points out, for instance, that it is the *Devīpurāṇa* which, in Chapter 72, shows the closest affinity to our text in point of the number of forts and their nomenclature. He thinks that the source of that Purāṇa was a metrical text and concludes that there was a connection between the *Arthaśāstra* and this metrical source.[77] As a matter of

74 *Loc. cit.*, pp. 47-48.
75 Cf. P. V. Kane, ABORI, VII (1926), pp. 91-93.
76 AOr, VII (1935), pp. 437-487; VIII (1936), pp. 69-90, 334-356; and X (1938), pp. 163-209.
77 AOr, VII, p. 48.

fact we know nothing about this supposed metrical source and it is hazardous to make any assertion about the relation between the *Arthaśāstra* and this alleged source of the Purāṇa. Considering the fact that this minor Purāṇa is not likely to be very old, it seems far more likely that its section on the forts is derived from the *Arthaśāstra* itself. Further, comparing the details of the building of the fort in the *Arthaśāstra* and those in the *Samarāṅgaṇasūtradhāra*, Stein concludes that only the latter shows a coherent description of the entire structure. It is true that some of the details in the description in Chapter 2.3 of our text are not quite clear. But it is hardly possible to say that the description is incoherent in the sense that it contains unrelated matter or contradictory statements. The *Samarāṅgaṇasūtradhāra* appears easy to understand because of the diffuseness of its style and its endeavour to define most of the technical terms used. Stein remarks that the material of Kauṭilya's Chapter was not unknown and was treated in the medieval and modern Indian texts and goes on to add, " In the literature of ancient India, nothing of the kind has been discovered till now."[78] The implication that the *Arthaśāstra* must, therefore, be assigned to the same age as these Śilpaśāstra texts can hardly be accepted. Because no earlier works on the Śilpaśāstra have come down to us we cannot necessarily assume that no such works existed. Even if it be assumed, however, that when the *Arthaśāstra* was written there were no regular manuals dealing with the building of a fort, one may still suppose that the author could have collected material for this Chapter by consulting experts in the field. Unless it can be proved that the building of a fort was itself an activity unknown in ancient times, one would hardly be justified in assuming that no author, however intelligent, could have gathered relevant information from those engaged in that type of work. And forts, we know, are referred to by Alexander's historians. We read in Arrian how Alexander scaled the walls of the Malloi, stood there alone for a time and leapt inside the citadel, how he was seriously wounded and was on the point of death.[79] Stein remarks in another place, " It is noteworthy that the *Arthaśāstra* stands nearer to the Śilpaśāstra than to the Dharmaśāstra in the number and nomenclature of fortresses, deviating also from Kāmandaka's *Nītisāra*."[80] He obviously wants us to believe that the *Arthaśāstra* must, therefore, be regarded as later than the Dharmaśāstra works, perhaps also later than the *Nītisāra*. The latter suggestion is so manifestly wrong that it raises doubts about the whole method of comparison of texts in this manner. The supposition that there has been an evolution

78 AOr, VII, p. 487.
79 McCrindle, *Invasion of India by Alexander the Great*, pp. 145ff.
80 AOr, X, p. 205.

of ideas in this matter and that the fewer the types of forts mentioned in a work the earlier it must be assumed to be in date has no basis in ascertainable facts.

The Silpasāstra contains only a few details about the layout of the fortified capital, whereas the *Arthaśāstra* describes it at length in Chapter 2.4. The latter refers to the *vāstuhṛdaya* 'the centre of the building area of the city' and states that the king's palace should be built in the ninth part (*navabhāge*) to the north of this centre (2.4.7). According to Stein the *vāstuhṛdaya* is the same as the *brahma* of the Śilpaśāstra, which is at the centre of the *paramaśāyika* plan of eighty-one *padas* or squares.[81] That is possible, since the commentators too give that explanation. It should be pointed out, however, that this plan is not directly mentioned in the text. What is more, the *paramaśāyika* plan refers to the ground-plan of a building, not to the entire city area.[82] But even in the description of the building of the king's palace in Chapter 1.19 there is no mention of any plan with eighty-one squares. The differences between the Śilpaśāstra and the *Arthaśāstra* are so great in this respect that we would be justified in assuming two different traditions. And it is the tradition of the *Arthaśāstra* that has to be regarded as earlier because the other tradition is found in admittedly modern works.

Stein regards as noteworthy the fact that 'temples of Hinduistic gods and goddesses are to be built in the fortified town.' For, he says, there is some agreement between the Śilpaśāstra and the *Arthaśāstra* concerning the function of these gods in protecting the town. But this, according to him, means that we have here 'agreement with the religious views of comparatively late texts.'[83] The supposition that the idea of tutelary deities for villages and towns is late in origin is hardly justified. That is probably one of the most ancient ideas, to be found everywhere in antiquity, though there are few literary references to it in Brahmanical literature. Besides, the deities mentioned in the *Arthaśāstra* in this connection, Śiva, Vaiśravaṇa, Aśvins, Śrī, Madirā (2.4.17) are unknown to the Śilpaśāstra. It is to be noted that Śiva and Vaiśravaṇa are mentioned in a *devatādvandva* compound by Patañjali on Pāṇini, 6.3.26, suggesting an early date for them. The Aśvins are well-known Vedic deities, whose worship in later times is not known. Clearly the tradition of the *Arthaśāstra* must be regarded as much earlier than that of the Śilpaśāstra and not contemporaneous with it.

81 AOr, VIII, p. 80.

82 Cf. एकाशीत्या पदैर्भक्तं विधेयं नृपमन्दिरम् ।
राजमार्गं समाश्रित्य वास्तुद्वारमुदङ्मुखम् ॥ *Samarāṅgaṇasūtra*, 15.9.

83 AOr, VIII, p. 337.

Again, most of the details about the building of the palace which we find in the Śilpaśāstra are entirely different from those in the *Arthaśāstra*. One cannot explain away the differences by supposing, as Stein does, that the *Arthaśāstra* has a specific point of view, namely, the protection of the king and his welfare.[84] Such a point of view can hardly be supposed to be absent in the case of palaces even in the Śilpaśāstra. We have to assume that the differences are due to the fact that the two are unrelated to each other and are based on two different traditions, one earlier and the other later.

The same conclusions would follow in the case of all other śāstras too. As already pointed out, this text does not refer to alchemy and it is therefore not possible to establish any relation between it and such texts as the *Rasaratnākara* of Nāgārjuna, the *Rasārṇava*, the *Rasasamuccaya* and others.[85] These works do not know the metal *vaikṛntaka*, but refer to *vaikrānta* in the sense of a precious stone which can be used as a substitute for diamond and which is said to yield an excellent *rasāyana*. On the other hand, the metals *vaṅga* and *pittala* are not known to this text by these names. The liquid ore of gold described at length in this text is unknown to these later works. All this shows that the *Arthaśāstra* cannot be regarded as dependent on or contemporaneous with them.

Similarly, the knowledge of gems revealed in this text is different from what is found in such later works as the *Bṛhatsaṁhitā*, the *Yuktikalpataru*, the *Mānasollāsa* and others. The *Bṛhatsaṁhitā*, for example, mentions eight places of origin of the diamond, namely, Veṇātaṭa, Kosala, Surāṣṭra, Śurpāraka, Himavat, Mataṅga, Kaliṅga and Puṇḍra.[86] Our text knows none of these. In 2.11.37 it refers to six altogether different places of origin, Sabhārāṣṭra, Tajjamārāṣṭra and others. The *Yuktikalpataru* and other works agree almost entirely with the *Bṛhatsaṁhitā*. There can be no question of the *Arthaśāstra* being dependent on or contemporaneous with these works. Again, the *Bṛhatsaṁhitā* in 81.2 enumerates eight places from which pearls come; but only three of these, namely, Tāmraparṇī, Pāṇḍyavāṭaka and Haima are found among the ten places of origin of pearls mentioned in the *Arthaśāstra* in 2.11.2. Stein concedes that it would be quite unsatisfactory to deduce mechanically that the longer list in the *Arthaśāstra* is a sign of a later date. But he adds that some places of origin, particularly those from the south, could not have been so intimately known at so early a period as the reign of Candragupta.[87] But certainly trade communications with

84 AOr, X, pp. 178-179.
85 For these works, see B. N. Seal, ***History of Indian Chemistry***, Vols. I and II.
86 *Bṛhatsaṁhitā*, 80.6-7.
87 IHQ, IV (1928), pp. 781-782.

the south must be assumed to have existed long before that reign. A Northerner could, at that time, have been well acquainted with pearls coming from different regions of the south, his knowledge being derived from traders. What is true of diamonds and pearls is equally true of other precious stones, the ruby, the emerald and so on. What the *Arthaśāstra* says on *ratnas* is materially different from what we find in the other works. Its knowledge, which represents a different tradition, must therefore be assumed to belong to an earlier age.

In Chapters 2.13 and 2.14 of the *Arthaśāstra* we have many details about the art of the goldsmith and the jeweller, to which there is hardly anything corresponding in any other work. We cannot suppose that the art of making gold ornaments and jewellery was unknown in the days of Candragupta, when Alexander's historians frequently refer to the gorgeous ornaments of Indian kings and other dignitaries. In the absence of a factual knowledge of the state of the various arts in the different periods of ancient Indian history it is hazardous to base any chronological conclusions on conditions revealed in a work.

Investigation in other fields of study yields the same result. We have in the *Arthaśāstra*, in Chapter 2.18, a very detailed classification of weapons. Descriptions of weapons in such works as the *Yuktikalpataru* of Bhoja or the *Nītiprakāśikā* of Vaiśampāyana show little or no affinity with the contents of this Chapter.[88] It mentions a large number of *yantras*, of which there is no trace in the other works. On the other hand, it is unaware of the fourfold classification of weapons found in those works, namely, *mukta*, *amukta*, *muktāmukta* and *mantramukta*. Only a few names, like *śakti*, *prāsa*, *dhanus*, *asi* etc. are inevitably found in all works. But the differences are so great that we must suppose that the material in the *Arthaśāstra* represents a different tradition altogether. And we certainly cannot regard that tradition as being later than the age of Bhoja or Vaiśampāyana.

The *Arthaśāstra* contains many details about the care, the bringing up and the training of horses and elephants. This is a subject dealt with at great length in medieval texts, which claim to be based on the teaching of the founders of the Aśvaśāstra and the Hastiśāstra, namely, Śālihotra or Nakula and Pālakāpya respectively. A comparison with these works again shows that the *Arthaśāstra* is based on different traditions. For example, the *Aśvacikitsita* of Nakula mentions Tājika, Khāraśāṇa, Kekāṇa, Sindhupāra and so on as types of horses in accordance with the place of their origin. The *Aśvavaidyaka* of Jayadatta Sūri refers to Tājika, Pārasīka, Turuṣka-jāta, Sindhudeśod-

88 *Yuktikalpataru*, ślokas 1127-1476; *Nītiprakāśikā*, Chapters 4 and 5.

bhava etc. as types of horses.[89] Of these, the *Arthaśāstra* knows only the horses from Sindhu, but refers to other types Kāmbojaka, Āraṭṭaja, Vānāyuja, Bāhlīka etc. (2.30.29) of which there is no trace in the medieval works. Again, the *Aśvavaidyaka* mentions four *hastas* (i.e., 96 *aṅgulas*), three and a half *hastas* (i.e., 84 *aṅgulas*) and 76 *aṅgulas* as the heights of the best, the middling and the lowest types of horses respectively. The *Arthaśāstra*, on the other hand, mentions only 30, 68 and 56 *aṅgulas* as the heights of these three types.[90] The medieval works assign the four *varnas* to horses, Brāhmaṇa, Kṣatriya, Vaiśya and Śūdra.[91] Of this classification the *Arthaśāstra* knows nothing. There are similar divergences in the matter of the *dhārās* or gaits of horses, food suitable for horses and so on. Clearly, the *Arthaśāstra* shows a different tradition in the matter of horse-lore.

The same is true of what it says about elephants. Later texts refer to the origin of elephants from Brahman, Prajāpati, Indra and so on, or from the eight quarter-elephants (*diggajas*). They also classify elephants as *deva*, *gandharva*, *vipra*, *kṣatra* etc., according to their *sattva*.[92] The *Arthaśāstra* has nothing corresponding to this. There is only some agreement about the places of origin of the best, the middling and the lowest kinds of elephants.[93] But the ways of catching elephants described in the *Mānasollāsa* and elsewhere are not to be found in our text, just as, on the other hand, those works have nothing in common with the description of the training of elephants found in the *Arthaśāstra*.[94]

It will thus be clear that in the matter of all these sciences, arts and crafts, the *Arthaśāstra* represents a different tradition altogether. It is therefore impossible to maintain that it belongs to the same age as these medieval works on those topics.

Stein has made a detailed study of the contents of the *śāsanādhikāra* (Chapter 2.10) in our work with a view to find what chronological relation it might reveal to works on the branches of learning of which that Chapter shows a knowledge.[95] This is of special importance since it is claimed at the end of that Chapter that it was composed by Kauṭilya for the sake of kings (*Kauṭilyena narendrārthe śāsanasya vidhiḥ kṛtaḥ*, 2.10.63). Stein rightly points out that the Chapter deals not only with the writing of decrees, but with *lekha*, i.e., writing in general. But that can hardly be considered irrelevant. A discussion of the art

89 *Aśvavaidyaka*, ed. Umesh Chandra Gupta (Calcutta, 1886), 6.2-17.
90 *Loc. cit.*, 3.183-4 and KA, 2.30.14-15.
91 *Aśvavaidyaka*, 7.4-5.
92 Cf. *Mānasollāsa*, 2.226-281 ; *Yuktikalpataru*, ślokas 1659ff.
93 *Mānasollāsa*, 2.178-179 and KA, 2.2.15-16.
94 See *Mānasollāsa*, 2.186-220 and cf. KA, 2.32.1-9.
95 ZII, VI (1928), pp. 45-71: 'Versuch einer Analyse des *Śāsanādhikāra*'.

of writing and composition is certainly not out of place when the question of the writing of royal decrees is being considered. Stein thinks that the *lekhasaṁpad* described in 2.10.6-12 and the *lekhadoṣas* mentioned in 2.10.57-62 are derived from Alaṁkāraśāstra, implying that the description belongs to a late period. It may be pointed out, however, that no extant work on Alaṁkāraśāstra mentions the six-fold *lekha-saṁpad*, though some of the excellences described here are recognised as *guṇas* since very early times.[96] Similarly, *akānti* and *saṁplava* as *lekhadoṣas* are unknown to the Alaṁkāraśāstra. The *Arthaśāstra* obviously represents more primitive ideas on this question. Stein has also expressed the opinion that the grammatical definitions found in 2.10.13-21 are unrelated to the preceding or the following passages, that these definitions are primitive and naive and are only 'a learned ballast' taken from somewhere else. The definitions, however, are not so unrelated as Stein thinks. In the preceding sūtras we have a description of the *lekhasaṁpad*, and in that connection the terms *pada*, *akṣara*, *śabda* etc. are used. It is in order to explain these terms that *varṇa* and *pada* are described and the parts of speech defined. In a discussion on writing and composition, a reference to grammar can hardly be regarded as irrelevant. Stein admits that the parts of speech defined in this text are those mentioned in the *Prātiśākhyas* and the *Nirukta*, not those in Pāṇini, and that this represents pre-Pāṇinian knowledge. He, however, hastens to add that "a corresponding choronological deduction can hardly be made." Similarly, he recognises that the thirteen purposes, *nindā*, *praśaṁsā*, *pṛcchā* etc., for which a written document is usually prepared according to 2.10.23-37, are old, being found partly in the *Bṛhaddevatā* and the *Nirukta*. But again he adds, "that the use of this scheme for documents was made in the days of the *Bṛhaddevatā* and the *Nirukta* is contrary to all we know." But there is nothing profound about 'the scheme' of thirteen purposes. One or the other of these is bound to be present in any communication from one person to another whether it is oral or written. Any careful student of written communications could easily prepare the list for himself. And as Bühler long ago pointed out, writing in India is at least as old as the eighth century B.C.

Stein also argues that the word *īśvara* as used in this Chapter has the sense of 'an independent high officer', that the word is not found used in this sense elsewhere in the text and that it is so used for the first time in an inscription of the second century A.D. This, according to him, would make an early date for our work unlikely. However, it should be pointed out that the word *īśvara*, which occurs twice in this

96 Cf. P. V. Kane, ABORI, VII (1936), p. 97.

Chapter, seems to mean 'a ruler', not merely an officer. In sūtra 4 it is required that the *vaṁśa* of the *īśvara* should be mentioned, while in the case of one who is not an *īśvara*, there is to be no mention of *vaṁśa*.[97] The reference to *vaṁśa* or dynasty is possible in the case of a ruler, not in the case of an officer, however high he may be. In sūtra 46, *īśvara* is mentioned along with *adhikṛta*.[98] This latter word refers to 'the officers appointed', and hence *īśvara* must refer to some other persons, such as rulers like the *sāmantas*, neighbouring princes or vassals. Moreover, this meaning of 'a ruler' for *īśvara* is found in Patañjali in the second century B.C.[99]

Stein further regards the treatment of the four *upāyas* in this Section (sūtras 47-53) as extraordinary, since according to him that belongs exclusively to the province of Nīti. And he goes on to argue that these sūtras on the *upāyas* " could not have been the source of Kāmandaka, not even of Somadeva ", and concludes that " this piece on *upāyas* is the work of a redactor who has used works on Nīti." This appears rather strange reasoning. It is not easy to see why a reference to the four *upāyas* should be considered irrelevant in a discussion of documents issued from royal courts. Besides, there is no reason to suppose that Kāmandaka or Somadeva relied only on this Section for their definitions of the four *upāyas*, when they could have found a discussion of these in this work in a context more suitable for their purpose, as in 9.5.9ff. and elsewhere. Again, the assumption that Nīti was exclusively concerned with foreign policy, which involves the use of the four *upāyas*, is hardly justified. The other implication of Stein's conclusion, that these sūtras are later in date than even the *Nītivākyāmṛta* of Somadeva, illustrates how scepticism can be carried too far. When he suggests that works on Nīti formed the source of this Chapter, he is of course partly right, for *sarvaśāstrāṇi anukramya* would include Nītiśāstra as well. But the assumption that Nīti works came into being for the first time only with the composition of the *Nītisāra* of Kāmandaka and the *Nītivākyāmṛta* of Somadeva cannot be accepted as correct.

Another assumption of Stein that the definitions of royal documents given in 2.10.39-46 of our work are derived from the Smṛtis is based on the erroneous belief that the Smṛtis of Yājñavalkya, Bṛhaspati and Kātyāyana, in which alone a few such definitions are found, are original treatises on the subjects with which they deal. As we have seen the Smṛtis are compilations based on earlier works on Dharmaśāstra and Arthaśāstra ; and in many cases, these Smṛtis seem to be indebted to

97 देशैश्वर्यवंशनामधेयोपचारमीश्वरस्य देशनामधेयोपचारमनीश्वरस्य । KA, 2.10.4.

98 यत्रेश्वरांश्चाधिकृतांश्च राजा रक्षोपकारौ पथिकार्थमाह । KA, 2.10.46.

99 नैवेश्वर आज्ञापयति नापि धर्मसूत्रकाराः पठन्ति । Patañjali on Pāṇini, 1.1.46.

the present *Arthaśāstra* itself.[100] The idea that there has been only a gradual evolution of different kinds of documents, on the strength of which chronological conclusions could be safely drawn, is not borne out by facts. The absence of any discussion on documentary evidence in the *Manusmṛti*, for example, does not mean that documents were non-existent in the days of that Smṛti.

Stein asserts that the *Arthaśāstra* cannot claim a higher antiquity than those sciences which this Chapter presupposes, viz., stylistics, Nīti and writing. That is true. But Nīti and writing are certainly very old. What stylistics there is in this work is very primitive and certainly cannot be brought into relation with the Alaṁkāraśāstra as it developed in later times. In fact, there is nothing in this Chapter which can be said to be definitely indicative of a later date.

It is sometimes argued that the recommendation in the *Arthaśāstra* about the use of the Sanskrit language for the writing of royal decrees is an indication of a later date for the work, since it was the Prakrits that were in use for the purpose in the earlier days as evidenced by Aśoka's inscriptions and the practice of the Sātavāhanas.[101] Such reasoning assumes that the Prakrits have been in use in all the kingdoms of ancient India and that Sanskrit was not used in ancient days at any court for purposes of communication. There does not appear to be any basis for such an assumption. Sanskrit certainly existed before the Prakrits came into being, and its use must have long preceded that of the Prakrits. This must be assumed to have been the case particularly when learning of any sort was in question. For, Sanskrit, it is admitted, has been the language of learning. Now the men in charge of administration in most states in the ancient days were expected to be and were often in actual fact learned men, the purohitas and the mantrins being mostly Brahmins. It is natural that these men should have had recourse to Sanskrit for most purposes at the court. It should be pointed out that all law as it has come down to us is couched in Sanskrit. This would be difficult to understand if it were assumed that royal courts eschewed the use of Sanskrit in their dealings with their subjects. For, law impinges on the life of the subjects in every sphere. It was only when kings like Aśoka thought of addressing the people directly that they made use of the popular dialects. In that Aśoka probably followed the example of the Buddha. But that does not mean at all that Sanskrit was not in use at any court before his days. It is wrong to suppose that Sanskrit was restricted to priestly circles only.[102]

100 See pp. 12ff. and 78ff. above.

101 H. C. Raychaudhuri, *The Age of Imperial Unity* (Bombay, 1951), pp. 285-287 and in other works.

102 For a refutation of a similar view, see H. Jacobi, IA, 1924, pp. 133-136.

E. H. Johnston has made a comparison of the works of Aśvaghoṣa with the *Arthaśāstra* to see what light it throws on the question of the date of the latter. Both the *Buddhacarita* and the *Saundarananda* contain a detailed description of an ideal king. Johnston remarks that there is a fundamental difference between " the standpoint of the *Arthaśāstra* on the one hand and that of the Dharmaśāstra including the *Mahābhārata* on the other," and adds that " Aśvaghoṣa's ideas are within the limits of the Dharmaśāstra as popularly expounded in the *Mahābhārata*." He explains the difference in this way : " According to the Dharmaśāstra, the institution of kingship exists for the maintenance of order and the preservation of the structure of society. The *Arthaśāstra*, no doubt, pays lip service to this ideal, but the essential doctrine underlying the entire work is that a king's sole preoccupation is with his own self-aggrandizement and that in its pursuit he should be restrained by no considerations except those of enlightened self-interest. The originality of the *Arthaśāstra* lies, in my view, not in the conception of this principle which was probably already in the air, but in the relentless logic with which all its implications are worked out."[103]

All this shows the usual misunderstanding about the origin and nature of this śāstra and of the relation of Dharmaśāstra to it. It has been already pointed out that politics and administration do not, in their origin, belong to the sphere of Dharmaśāstra and that they are the special province of works on Nītiśāstra or Arthaśāstra.[104] What the Dharmaśāstra works and the *Mahābhārata* say on these questions is all derived from Nītiśāstra, as is clear from the fact that the *Mahābhārata* refers to numerous Nīti works and many teachers of this science. Dharmaśāstra works are eclectic in character, whereas the *Arthaśāstra* treats all topics fully and in a scientific manner. Even so, there is no essential difference in the standpoint of the two śāstras. It is quite unjust to say that the *Arthaśāstra* pays only lip service to the ideal of the protection of the subjects and the maintenance of the social order. Its ideal of a ruler is that he should be trained in the various sciences (*vidyāvinītaḥ*), he should have control over his senses (*indriyajaya*), he should listen to what elders say (*vṛddhasaṁyoga*), he should possess excellences enumerated at length in 6.1.3-6 and so on. He is asked to protect the subjects according to *dharma* (3.1.41), for it is said that if *dharma* is allowed to be overpowered by *adharma*, it destroys the ruler (3.16.42). In the happiness of the subjects, it is stated, lies the happiness of the king, in their good his own good (1.19.34). It is laid down that the

103 JRAS, 1929, pp. 77-81.
104 See pp. 18ff. above.

king should show favour to those, whose tax-exemptions have ceased, like a father (2.1.18). Punishment is laid down for officers who are responsible for extortion from the subjects (2.9.15-16). Goods, it is said, should be sold in such a way that subjects do not suffer (2.16.5, 4.2.35). The whole of Book Four, again, is concerned with the protection of the subjects from the activities of anti-social elements. It also describes measures for their protection in the event of natural calamities like floods, fire, epidemics etc. (4.3). And even in conquered territories the king is asked to maintain the social order based on *varnas* and *āśramas* (*vibhaktavarṇāśramam*, 13.4.62). It is impossible to believe that all this is merely lip service to the ideal of protection of the subjects and the maintenance of the social order. The Dharmaśāstra works and the *Mahābhārata* do not teach anything different from this. As a matter of fact, they do not go into many of these details at all The statement that Aśvaghoṣa's ideas are within the limits of Dharmaśāstra and different from those of the *Arthaśāstra* has, therefore, little meaning.

When Johnston refers to 'a king's pre-occupation with his own self-aggrandizement' as the essential doctrine underlying the *Arthaśāstra*, he fails to distinguish between a ruler's attitude towards his own subjects and his attitude towards foreign states. It is not possible to maintain that the text visualises a policy of personal aggrandizement by the ruler at the cost of his subjects. Throughout, it insists on the ruler following a policy of benevolent paternalism towards the subjects. When it recommends extra levies on the subjects (Chapter 5.1), it does so only in emergencies (*pratyutpannārthakṛcchraḥ*. 5.1.1). When it describes secret ways of getting rid of traitors (5.2), it expressly adds at the end that the tricks recommended are to be used only against traitors and unrighteous men and not against others (*evaṁ dūṣyeṣu adhārmikeṣu ca varteta netareṣu*, 5.2.69). The so-called policy of self-aggrandizement may appear to be recommended in the sections dealing with the foreign relations of the state. There is no doubt that the text requires that in all dealings with foreign states, the self-interest of the state must be regarded as supreme. But that surely is a policy that has been pursued by all states everywhere and at all times. And no exception can be taken to it on moral grounds, so long as no single state even to-day is prepared to forgo what it regards as its self-interest for any moral consideration. And the Dharmaśāstra in no way differs from the *Arthaśāstra* when it discusses the question of relations with foreign states. The *Manusmṛti*, for example, refers to the same four *upāyas*, the same six *guṇas*; it does not hesitate to recommend that the king should act like the heron or like the wolf (*bakavac cintayed arthān... vṛkavac cāvalumpeta*, 7.106) or that he should so manage that his ally

or foe or the neutral king does not get the better of him (*sarvopāyais tathā kuryān nītijñaḥ pṛthivīpatiḥ / yathāsyābhyadhikā na syur mitrodāsīnaśatravaḥ*, 7.177). And it must be remembered that self-aggrandizement cannot imply the personal aggrandizement of the king. He is, in this connection, identified with the state, and his self-interest is the interest of his state.

It is also difficult to agree with Johnston that this doctrine of self-aggrandizement was only 'in the air' before Kauṭilya and that it is he who has worked out its implications with relentless logic. The śāstra is older than Kauṭilya and all its principal tenets were already formulated before his days. It is some of his predecessors who appear to have been responsible for extreme views, Kauṭilya himself generally recommending moderation and holding a balanced view. When Bhāradvāja recommends a policy of unscrupulous self-seeking to the chief minister, Kauṭilya differs from him, and one of the grounds on which he differs is that the policy is immoral (*adharmiṣṭham*, 5.6.32). This also shows how Johnston is not justified in arguing that if Aśvaghoṣa had been acquainted with the *Arthaśāstra*, he would have stressed the immorality inherent in kingship according to it when in the *Buddhacarita* he has to deal with the disadvantages of kingship. It is not true that immorality is inherent in kingship according to the *Arthaśāstra*. That is only the modern moralist's rather biassed impression of the teaching of this śāstra.

Johnston also refers to the fact that Aśvaghoṣa does not know the substantive *vijigīṣu*, but only the adjectival *jigīṣan* (*Saundarananda*, 16.85), and *jigīṣu* (*op. cit.*, 17.56). The implication that the term *vijigīṣu* is an innovation of the *Arthaśāstra* is hardly acceptable. The theory of the *rājamaṇḍala*, of which the central figure is the *vijigīṣu*, is certainly very old and cannot be regarded as an invention of the author of the present work. The forms used in the *Saundarananda* seem to be due to the exigencies of metre; they may also be due to the poet's desire to coin new expressions. Similarly, when in *Saundarananda*, 2.45, the expression *aśakyaśakyasāmanta* occurs, Johnston remarks, "It is clear that Aśvaghoṣa was playing on an expression current in the politics of his time, though its use need not have been confined to the school of Kauṭilya." This is a roundabout and rather halting recognition of the fact that there was political thought before the days of Kauṭilya. But the implication that different schools of Arthaśāstra differed significantly in their terminology is hardly acceptable. The expression *śakyasāmanta* occurs in 6.1.3,8 and was obviously the common property of this śāstra.

In the *Saundarananda*, 2.29, occurs the term *rātrisattra*, which is found in the *Arthaśāstra* in 8.4.41, and nowhere else in language so far

as is known. Johnston thinks that it is a neologism which failed to hold its place in classical language. From this he concludes that no great interval of time separates the *Arthaśāstra* from Aśvaghoṣa, only the former is later in date. It must be pointed out, however, that the expression is not used in the same sense in the two works. Whereas in Aśvaghoṣa's poem, it seems to mean 'a nocturnal assembly of robbers,'[105] in the *Arthaśāstra* the expression means either 'night (*rātri*) and a difficult place where people are waylaid (*sattra*)' as the commentators understand it or 'an occasion for waylaying, namely, the night.' The *Arthaśāstra* frequently uses *sattra* in the sense of 'a place or occasion for ambush or waylaying.' Such places and occasions are enumerated in 10.3.24, *rātri* or night being one of them. The expression *rātrisattra*, therefore, occurs in this text most naturally, and there can be no question of the author having borrowed it from any poem like the *Saundarananda*.

The *Buddhacarita* in 9.45 speaks of the king's functions as relying principally on *daṇḍa* or punishment (*daṇḍapradhānaḥ kva ca rājadharmaḥ*). This, according to Johnston, refers 'to the many passages in the Dharmaśāstras eulogising *daṇḍa* as the supreme duty of a king.' The implication that this is a special doctrine of the Dharmaśāstra and that the Arthaśāstra is not concerned with it can hardly be taken seriously. It is clear that the attempt to show that this śāstra is later in date than Aśvaghoṣa must be regarded as quite unsuccessful. On the contrary, it appears extremely likely that Aśvaghoṣa knew not only this śāstra, but possibly also the present work on it.

Other Sanskrit works, too, have been considered as having a bearing on the date of the *Arthaśāstra*. One such is the *Kāmasūtra* of Vātsyāyana, which clearly shows a close acquaintance with this work. R. G. Bhandarkar had referred to this fact and on the basis of Vātsyāyana's likely date, namely, a century after Kuntala Sātakarṇi to whom he refers, he suggested the first or the second century A.D. as the earliest date to which Kauṭilya can be referred.[106] Jolly has made a more detailed comparison of Vātsyāyana's work with the *Arthaśāstra* and arrived at the conclusion, mainly on grounds of similarities in style and language, that "no long interval of time can have passed between the composition of two such cognate productions." Fixing then the date of the *Kāmasūtra* as the fourth century A.D. he concludes that Kauṭilya could not have been more than a century earlier at the most, that is, the *Arthaśāstra* is to be placed in the third

105 स्पष्टया दण्डनीत्या च रात्रिसत्रानवीवपत् । *Saundarananda*, 2.29. See J. Charpentier, JRAS, 1934, pp. 113-114.

106 Proceedings of the 1st Oriental Conference (Poona, 1919), pp. 24-25 and n.

century A.D. at the earliest.[107] It is not necessary to go into the question of the date of Vātsyāyana. Whatever his date it will not have a direct bearing on the date of the *Arthaśāstra*. For, there is no fixed criterion for determining the interval of time separating an original work and another modelled on it. So far as language is concerned, it is well-known that Sanskrit has remained more or less static over all these centuries, and it is difficult to periodize its literature on the strength of any growth of language reflected in it. As regards style, if a person has consciously modelled his work on that of some predecessor, he may be supposed to be able to do so whatever the length of time that separates him from his model. Even after the lapse of many centuries it is not difficult even today to imitate the style of any Sanskrit author. And there can be no doubt that Vātsyāyana had deliberately placed the *Arthaśāstra* as the model before him.

Similar considerations would apply to the *Daśakumāracarita*, the *Mudrārākṣasa* and other works, which show a definite acquaintance with this work. Jacobi had already shown how Jolly's attempt to prove the contemporaneity of the *Daśakumāracarita* and the *Arthaśāstra* on the strength of *idānīm* understood as 'now' and 'Maurya' understood as 'a king' (in Daṇḍin's *idānīm Mauryārthe . . . saṁkṣiptā*) is based on a faulty rendering of Daṇḍin's text.[108] Recently, V. I. Kalyanov has pointed out a number of agreements between statements in the *Daśakumāracarita* and the *Arthaśāstra*, which according to him indicate that the two works were produced at about the same time. Among such agreements are the reference to the four *vidyās* (Trayī, Vārttā and others), to the *trivarga*, to *arjana*, *vardhana* and *rakṣaṇa* (of wealth), to *kṛṣi*, *pāśupālya* and *vāṇijyā*, to the bestowing of wealth on *tīrthas* or worthy persons and so on.[109] There can be no doubt about the agreements. But it is very difficult to see how they show the contemporaneity of the two works. In any case, this contemporaneity seems to have little significance, since Kalyanov is prepared to concede a third century A.D. date to the *Arthaśāstra*, when the *Daśakumāracarita* admittedly belongs to the sixth or seventh century A.D.[110]

Referring to D. A. Suleikin's categorisation of the periods of Indian History, Kalyanov mentions his opinion that the *Arthaśāstra* belongs to the period of transition from the decay of slave-owning society to the rise of feudalism, that is, the period from the first to the

107 Jolly, Introduction, pp. 21-29.

108 ZDMG, 68, pp. 603-605.

109 'Arthashastra — vazneishiī pamyatnik indiiskoī kulturi', appended to the Russian translation of the text (Moscow-Leningrad, 1959), p. 519. This article by Kalyanov is expanded from his paper on 'Dating the Arthashastra' read before the XXIII International Congress of Orientalists, Cambridge, 1954.

110 *Loc. cit.*, p. 519.

third century A.D. This is supposed to be shown by the social order and state organisation, the economic and political institutions and the production relations reflected in this work.[111] However, it can hardly be seriously maintained that slavery in India took the same form and lasted till about the same age as it did in ancient Greece.[112] Nor is there any proof that feudalism of the European type originated in India in the early centuries of the Christian era. At any rate, it is extremely hazardous to base any chronological conclusions on a supposed change in the structure of society or a hypothetical change in the relations of production, about which little can really be said with any degree of certainty.

Kalyanov refers with approval to Th. Stcherbatsky's views about the rise of the sūtra works, namely, that the philosophical sūtras appeared not before the fifth century A.D. He would thus refer the present work to the same period.[113] What Stcherbatsky says may be true of the philosophical sūtras. But the *Arthaśāstra* does not belong to that category. There is a difference between these philosophical sūtra works and the much earlier sūtra works like the Śrautasūtras, the Gṛhyasūtras and the Dharmasūtras. The *Arthaśāstra* in its sūtra style belongs to this latter class. And it is well-known that these works belong to the centuries before the beginning of the Christian era.

Kalyanov also mentions Stcherbatsky's view that the *Arthaśāstra* follows the same process of reasoning in its polemics as is used in the *Madhyānta-vibhaṅga*, a philosophical treatise of the Yogācāra school of Buddhism attributed to the Bodhisattva Maitreya and belonging to the fifth century A.D. The process consists of stating opposite opinions and finding the truth in avoiding extremes and following the middle path.[114] It is true that Kauṭilya in stating his own opinions as against those of his predecessors is found to adopt a more reasonable stand, characterised by moderation and sobriety.[115] But it is not true that he generally states two opposite views and recommends a course lying midway between the two extremes. In a vast majority of cases, he merely states the views of the predecessors and simply rejects them, stating his reasons for doing so. It cannot be said that this method is similar to that used in such a work as the *Madhyānta-vibhaṅga*.

This rather long review of arguments urged against the traditional view about this work may be concluded in the words of H. Jacobi :

111 *Loc. cit.*, p. 510.
112 Cf. Breloer, Kst, II, pp. 1-69.
113 Kalyanov, *op. cit.*, pp. 516-517.
114 *Ibid.*, pp. 517-518.
115 See p. 56 above.

"Without weighty grounds, one must not push aside the unanimous Indian tradition; else one practises scepticism, not criticism."[116]

We may now turn to such evidence as might appear to bear on the question of the date of this work. It is quite clear that the *Arthaśāstra* was composed before Vātsyāyana wrote the *Kāmasūtra*. He is usually assigned to the fourth century A.D. If, as was argued earlier in this chapter, the *Yājñavalkyasmṛti* most definitely and the *Manusmṛti* also most probably presuppose the existence of this work, its composition will have to be placed much earlier than the second century A.D., the lower limit for the date of the *Manusmṛti*. E. H. Johnston has collected evidence from Buddhist works and has shown how the *Laṅkāvatārasūtra* of the fifth century A.D. already refers to Kauṭilya as a *ṛṣi* or sage of antiquity, how the *Jātakamālā* of Āryaśūra of the third or fourth century A.D. refers to the Kṣatriya science which can only be understood as a reference to Kauṭilya's work and how Nāgārjuna, the author of *Ratnāvalī*, belonging to the second century A.D., refers to *Arthavidyā* in deprecatory terms which can only be understood of such a work as the *Arthaśāstra* of Kauṭilya. Thus, according to Johnston, the work cannot be placed later than 150 A.D.[117]

There are in the text a few indications that suggest an early date for it. In 3.20.16 occurs a rule laying down punishment for feeding Śākya, Ājīvaka and other heretical monks at rites in honour of the gods and manes. It is significant that along with the Śākyas, that is, Buddhists, the Ājīvakas (or Ājīvikas) alone are mentioned and other heretical sects, especially the Nirgranthas or Jainas, are left to be inferred only from the use of *ādi*. This indicates that the Ājīvikas were then a prominent sect. This is in keeping with the state of things as it prevailed in the age of the Maurya Emperors, and cannot be regarded as true of any later period. It is recorded in the *Divyāvadāna* that an Ājīvika mendicant attached to the court of Bindusāra, Aśoka's father, had correctly prophesied the future greatness of Prince Aśoka.[118] Besides, there is the more important evidence of the inscriptions in the caves of the Barābar Hill, near Gaya, which record the grant of the caves to the Ājīvikas by King Piyadasi or Aśoka. And the nearby hill of Nāgārjunī has three caves similarly dedicated to the Ājīvikas by Daśaratha, a successor and grandson of Aśoka.[119] In the Seventh Pillar Edict on the Delhi-Toprā pillar, the Ājīvikas are mentioned before the Nirgranthas, showing that the former sect " seemed to

116 ZDMG, 68, p. 605.
117 JRAS, 1929, pp. 86, 87 and JRAS, 1939, p. 225.
118 See A. L. Basham, *History and Doctrines of the Ajivikas* (London, 1951), p. 146.
119 *Ibid.*, pp. 150-156.

the King to be either more influential or more worthy of support than the latter."[120] The present text reflects a similar state of affairs. The rule in 3.20.16 must, therefore, have been framed in the Maurya period. For, it is well-known that the Ājīvikas disappear more or less completely from the scene after that period.

In 11.1.4-5 are enumerated a number of *saṁghas* or what may be called oligarchies, belonging to either of two types, Kāmboja, Surāṣṭra and so on of the first type and Licchivi, Vṛji, Malla, Madra, Kukura, Kuru, Pāñcāla and others of the second type. Most of these *saṁghas* had disappeared after the Maurya period. Only the Licchivis survived till the Gupta age. The oligarchies of the period from the first century B.C. to the second century A.D. were the Yaudheyas in Southern Punjab, the Ārjunāyanas in Bharatpur and Alwar, the Udumbaras in Punjab, the Kulūtas in the Kulu valley, the Kunindas in the Sutlej country and so on.[121] At the time of the rise of the Guptas there were the Ābhīras, the Prārjunas, the Sanakānīkas, the Kākas, the Kharaparikas and others, as is shown by Samudragupta's inscription. As most of the *saṁghas* mentioned in the text could not have been in existence after the third century B.C. this would appear to be a clear indication of an early date for it.[122] It would be odd indeed if an author were to dwell on facts of political life that had ceased to have any relevance in his day.

The sense in which the term Ānvīkṣikī is understood in this text may also be regarded as an indication of an early date. It is asserted that Sāṁkhya, Yoga and Lokāyata constitute Ānvīkṣikī (1.2.10). This means that by Ānvīkṣikī are to be understood these systems of thought, which are clearly among the earliest philosophical systems to arise in ancient India. It is stated that a study of Ānvīkṣikī keeps the mind steady in adversity and in prosperity and brings about proficiency in thought, speech and action (1.2.11). It is significant that Manu, finding it impossible to accept the high position assigned to these systems and to Lokāyata in particular, has identified Ānvīkṣikī with Ātmavidyā, that is, with Vedānta (7.43). That is also how the *Bṛhatsaṁhitā*, 19.11, and the *Nītisāra* of Kāmandaka, 2.11, understand it. This is clearly a later development about the meaning of Ānvīkṣikī. Similarly, the *Mahābhārata* in 12.173.45 regards Ānvīkṣikī as equivalent to Tarkavidyā, and in later times Ānvīkṣikī is understood as another name for the Nyāyaśāstra. The explanation of Ānvīkṣikī by *hetubhir*

120 *Ibid.*, pp. 149-150.

121 Cf. *Cambridge History of India*, Vol. I, pp. 528-529.

122 See D. D. Kosambi, *An Introduction to the Study of Indian History* (Bombay, 1956), pp. 153-154.

anvīkṣamāṇā in 1.2.11 might appear to lend support to the view that in this text too Ānvīkṣikī stands for the science of reasoning and not for philosophy. But in this explanation, *hetu* is only the means of investigation, the object of investigation is what is right and what is wrong. That belongs to the province of philosophy, not to that of Tarkavidyā, which is primarily concerned with determining the validity or otherwise of the *hetu* itself. And the description of Ānvīkṣikī as that which keeps the mind steady in adversity and in prosperity is hardly applicable to Tarkavidyā. It is clear, therefore, that Ānvīkṣikī is understood in this text in a sense which was later modified or given up. Says Jacobi, "That the account of philosophy as we find it in *Kauṭilīyam* could not hold good a few generations after the life-time of Chāṇakya, speaks for the genuineness of its text that has come down to us."[123] In this connection a reference may be made to the opinion of W. Ruben who thinks that the working of Ānvīkṣikī as understood by Kauṭilya is illustrated in the philosophy of the *Bhagavadgītā*. Sāṁkhya as Jñānayoga and Yoga as Karmayoga lead to the same goal, the former by leading to knowledge (*prajñāvaiśāradya* of Kauṭilya) and the latter to right action (*kriyāvaiśāradya* of Kauṭilya). In the *Gītā*, he says, *saṁnyāsa* is superimposed on Sāṁkhya, and he concludes, "One may say that the *Gītā* in its present form is younger than Kauṭilya and that it contains only fragments of Karmayoga and the old practical Sāṁkhya."[124] Whatever may be thought of this opinion, there can be no doubt that in Kauṭilya philosophy is regarded as practically helpful, as an illuminator of all other sciences (*pradīpaḥ sarvavidyānām*, 1.2.12) and hence the foundation of all knowledge and through it of all life.[125] With Vedānta gaining predominance, the value of philosophy for practical life disappeared.

Attention may also be drawn to the circumstance that the *Arthaśāstra* refers to settlement on virgin lands. In fact, *śūnyaniveśa* is an important activity in which the state is expected to engage according to this text (Chapters 2.1 and 7.11). For such settlements on virgin territory on an extensive scale there would appear to be little scope after the Maurya period. Though it is possible that such activity had more significance in the early days of the formation of this śāstra, the fact that this text discusses in full this question of settlements on virgin land would show that it had not lost its relevance in the days of the author.[126]

123 IA, 1918, p. 109.

124 'Zur Frühgeschichte des indische Philosophie' in ***Festgabe Hermann Jacobi*** (Bonn, 1926), pp. 350ff.

125 *Loc. cit.*, p. 351.

126 Cf. Jacobi, IA, 1924, p. 133.

It should thus be obvious that the text definitely impresses one as being composed in the age to which tradition assigns it. There is, however, one point that requires further consideration. The text refers to Kauṭilya in the third person and states his opinions in the same manner as it does those of the other teachers. This would ordinarily indicate that it is composed not by Kauṭilya himself, but by some one else. A reference was made earlier in this chapter to the opinion of Keith that the mode of citation is that of an authority, and that no one, for example, regards Kauṣītaki who is frequently mentioned as an authority in the *Kauṣītaki Brāhmaṇa* as the author of that work.[127] It should be pointed out in this connection that there is a difference in the way in which Kauṣītaki's opinions are quoted in the *Brāhmaṇa* and the way in which Kauṭilya's opinions are stated in this work. In the *Brāhmaṇa*, we invariably get the expression *iti ha sma prāha Kauṣītakiḥ* 'so said Kauṣītaki' (or, as Keith translates it 'Kauṣītaki used to say or declare').[128] There can be no doubt that this is a reference to the opinion of an authority different from the writer. But that cannot be said of *iti Kauṭilyaḥ* or *neti Kauṭilyaḥ* that occur in this text. These expressions, as a rule, are found at the end of discussions in which the opinions of other authorities are controverted and rejected in favour of those of Kauṭilya himself. It is nowhere the case that Kauṭilya's opinion is referred to as that of an ancient authority, with the writer seemingly agreeing with it. His is always the final opinion that has to be regarded as the opinion of the author himself.

A. Hillebrandt says in this connection, "We must not accept the view that Kauṭilya himself is throughout the author of the present text. It springs only from his school which often sets forth the opinions of other teachers and after them (in the manner of the Sūtra literature) places as contrast the views of Kauṭilya and occasionally gives them in direct form."[129] To the objection that this method of citing oneself in one's own work is common in India, he replies that the sūtra authors Śāṅkhāyana, Āśvalāyana and others do not name themselves in their works, nor does Pāṇini who mentions other authorities, nor Yāska who has polemics against some of his predecessors, nor Patañjali.[130] His conclusion is, "One can, therefore, allow Kauṭilya's words as *verba ipsissima* only when they are expressly attested as such, for the rest, however, hold the book as the work of his juniors, among whom

127 See p. 61 above.

128 *Kauṣītaki Brāhmaṇa*, 2.9, 7.4 etc. and *Rigveda Brāhmaṇas* translated by A. B. Keith, pp. 356, 385 etc.

129 *Über das Kauṭilīyaśāstra und Verwandtes* (Breslau, 1908), p. 10.

130 'Zu Kauṭilya' in ZDMG, 69, pp. 361-362; also his *Altindische Politik* (Jena, 1923), p. 4.

his thoughts and expressions were continuously retained and brought forth by name in contrast with other teachers' views or as a redaction made by them of an old text from his hand."[131]

Now, it cannot be denied that the manner in which the opinions of Kauṭilya are cited in this work is unusual and is not to be found in early works.[132] The only exactly parallel cases are those of the *Kāmasūtra* of Vātsyāyana and the *Kāvyamīmāṁsā* of Rājaśekhara. These two, however, are quite obviously inspired by the example of the *Arthaśāstra* itself and therefore of little use for corroboration of the practice. The example of the medieval poets writing in North Indian languages who usually mention their own names at the end of each poem, does not furnish an exact parallel and cannot reasonably be cited in support. The nearest parallel may perhaps be found in the *Pūrva Mīmāṁsā Sūtras* of Jaimini and the *Brahma Sūtras* of Bādarāyana, in which opinions attributed to these teachers are found stated in works of which they are regarded as the authors. But scholars are not prepared to admit that Jaimini and Bādarāyaṇa themselves were personally the authors of these two Sūtra works.[133] It may also be conceded that generally speaking the citation of a person's opinion in the third person makes the authorship of that person for the work doubtful. Nevertheless, the present case is peculiar. We do not have in this work a mere juxtaposition of the views of different authorities including the one claiming to be the author of the entire work, but almost invariably a resolute assertion, in a controversial tone, of this person's opinion against those of others which are rejected as unacceptable. This reflects a rather unusual temperament in an author, implying impatience with the opinions which the author considers to be wrong and an eagerness to assert his own right opinions in their place. Such indeed was, according to tradition, the temperament of Kauṭilya, who, in his intolerance of injustice and wrong, is said to have destroyed the ruling Nanda dynasty and placed his own protégé on the throne in their place. Such a person, even when writing a scientific treatise, is not unlikely to be intolerant of other people's opinions which he regards as wrong and to be downright in his rejection of them and assertion of his own opinions. The absence of this practice of self-citation in the works of near-contemporary writers does not necessarily prove that no author could have resorted to this method. One must allow for peculiarities of temperament making themselves felt in an author's

131 *Altindische Politik*, p. 4.

132 R. Shamasastry, however, in the Preface to the 2nd edition of his English translation of the text draws attention to the fact that Patañjali on Pāṇini 7.2.101 refers to his own views with the words *Gonardīyas tvāha* (Preface, p. xxvii).

133 Cf. A. B. Keith, JRAS, 1916, pp. 132-133.

work, particularly if the author is known otherwise to have been a masterful personality.

While admitting that opinions expressly put in the mouth of Kauṭilya may be regarded as stated in his own words, Hillebrandt has suggested two possibilities concerning the rest of the text. One is that the rest of the work springs from Kauṭilya's juniors. By juniors he evidently means disciples or followers. His other suggestion is that there was an old text by Kauṭilya, but the present text is a redaction of that old text made by his juniors.

The suggestion that the bulk of the text, except in those places where Kauṭilya's opinions are stated in his own words, is the work of his disciples or followers, implies that the teaching is that of the master, who is recognised as an outstanding teacher of the śāstra, but that the teaching is reproduced not in the words of the master but in those of his disciples or followers. Such a view seems to ignore the manner in which learning was transmitted in ancient India. When pupils learnt at the feet of some distinguished teacher, they usually committed to memory the teaching in the latter's own words. They then passed this teaching on to their own pupils and so on. It is not conceivable that a pupil would learn only the substance of the teaching and feel himself competent to start composition on his own when he had nothing original to say and had to rely entirely on the master's teaching. In the case of a śāstra, at any rate, the disciple would be acquiring and transmitting knowledge derived from his teacher in the latter's own words, particularly if the teacher happened to have made a special study of the śāstra and to have expressed independent opinions of his own on many points. It can, therefore, be safely assumed that even if the present work be supposed to have passed through the hands of Kauṭilya's disciples, these latter cannot be credited with its authorship. They must be supposed to have transmitted the teaching almost exactly as it was received by them from the master, that is, in the latter's own words. In other words, this would be the text as it was taught by him to his disciples, though he may not have composed it in the sense that he wrote it down by putting pen on paper. Works in ancient India were mostly composed in the sense that they were transmitted to pupils by word of mouth, these then committing them to memory and passing them on to others for similar oral transmission. In this process the original hardly ever suffered any significant change.

A. B. Keith admits the possibility of a school founded by Kauṭilya, 'in the sense of a *guru-śiṣya-saṁtāna* (and not merely in the sense of *tanmatānusāritā* as Jacobi holds).' But he goes on to add that the present text is not Kauṭilya's own work, but the product of his school,

'based on Kauṭilya's teaching, though not by his own hand.'[134] However, if a school is assumed to have been founded by a teacher, it would necessarily follow that what is studied in the school is his original teaching. Commentaries or expositions of that teaching may be supposed to have been produced in the school in course of time, but the original teaching would be retained as it had come down from the original founder of the school. The Vedic schools of Āśvalāyana or Āpastamba, for example, would be studying the teaching of these founders of the schools practically in the same words in which they were originally communicated to the first pupils. Even if we assume that some later member of the schools 'composed' a text for study, this text would not differ materially and even verbally from what was known to be the teaching of the founder. 'Composition' of a text had a different connotation in ancient India with its persistent tradition of oral transmission from what it means in modern times. To the question, why is it then that only in some places in the text are opinions specifically attributed to Kauṭilya when the entire work originated with him, the answer is that *these* are the cases where he had differed from the ancient teachers and that this fact was intended to be emphasised by the self-assertive Kauṭilya himself. This feature of the teaching has been faithfully preserved by the disciples or followers of Kauṭilya or by his school, whichever way of transmission of that text we regard as probable. P. Thieme has said in another connection, "Books are not written by schools, but by single men, by individuals, who naturally had their own taste, their own inclinations and preferences adopting new styles, new methods and new points of view."[135]

Hillebrandt's alternative suggestion is that the present text is a redaction of Kauṭilya's original work by a later hand. It is here admitted that Kauṭilya 'wrote' a work on this science ; but, it is suggested, the present work is different from it, being a later version of it. It may be asked : Who made this later redaction and what could be his motive or motives in making a new version of the old text ? If, as we would be justified in assuming and as Hillebrandt himself suggests, the redactor was a disciple or follower of Kauṭilya or a member of his school, he may be thought of as preparing a new version either in order to make a difficult text easy to understand, or with a view to summarize the teaching of the master in brief, or in order to change its form so that the task of committing it to memory would be facilitated. The same motives can be thought of as operating even if the redactor is supposed to be some admirer, unconnected with Kauṭilya's school. We find that none of the three motives suggested could have operated

134 JRAS, 1916, pp. 181-182.
135 Indian Culture, Vol. IV (1937-1938), p. 209.

in the preparation of the present 'version' of the text. The claim made on its behalf that it is easy to learn and understand (*sukhagrahaṇavijñeyaṁ* 1.1.19) is with respect to the text as composed by Kauṭilya (*Kauṭilyena kṛtaṁ śāstram*). It is not easy to see how the latter's work could have been more difficult or obscure. His language and style as they appear in what are admitted to be opinions expressed in his own words do not differ in any way from the language and style as we find them in the rest of the text. One cannot also suppose that the present text is an abridgment of an original work of Kauṭilya. No work can be more full than the present work in the treatment of its subject. Again, the text in prose cannot be understood as the result of a desire to help memorizing. Nor can one regard the present work as a redaction in the sense of an expansion of an original short work by Kauṭilya. It is not possible to point out any substantial parts of the present work as belonging to a later age or as the work of a later hand. A few interpolations have, no doubt, found their way in the text, mostly by way of marginal notes getting into the text at the time of the next copying. But considering the extent of the work such interpolations are very few.[136] These do not make the text appear as a new version or redaction of an earlier work.

An attempt has recently been made to show that Kauṭilya or Cāṇakya, the original author of a sūtra work on polity, is to be differentiated from Viṣṇugupta, responsible for the present redaction, which is an expansion of the original work.[137] According to K. C. Ojha, the present redaction was made out of the mass of bhāṣya literature that had accumulated round the original work of Kauṭilya. The latter's sūtras "might have gone forward, like all other sūtra literature, to the bhāṣya form at the hands of later generations .... Written in the sūtra style, it developed a bhāṣya form of its own." The reason for distinguishing Viṣṇugupta from Kauṭilya is, according to Ojha, the circumstance that in the earlier works, the Purāṇas, the *Pañcatantra*, the *Mahāvaṁsa*, *Nandisūtra* etc. only Kauṭilya or Cāṇakya is found, while in later works like the *Nītisāra*, the *Daśakumāracarita*, the *Mudrārākṣasa* and so on, Viṣṇugupta appears as another name for Kauṭilya or Cāṇakya. He thinks that this Viṣṇugupta was probably the teacher of Kāmandaka. He adds that the name Viṣṇugupta appears only after the sixth or seventh century A.D., when it was usual for commentators and writers "to make fabrications about identifications of literateurs and authorship of works." To prove this, he refers to the case of the *Jyotirvidābharaṇa*, which claims to be written by Kālidāsa, the author of the *Raghuvaṁśa*.

136 See pp. 20-30 above.
137 K. C. Ojha, IHQ, 28 (1952), pp. 265-272.

This attempt to reconcile the traditional view about the authorship of the work with the views of scholars like Jolly, Winternitz and others is altogether misconceived. It is based on the erroneous belief that the present work contains both sūtra and bhāṣya, a belief shared by many scholars on the authority of the śloka that does not belong to this text. It is, however, impossible to agree that the work contains any bhāśya.[138] No one has ever been able to point out which part is to be regarded as sūtra and which as bhāṣya. And what is one to understand by sūtras having 'gone forward to the bhāṣya form'? Whatever this means, it has not happened to other sūtra literature, as Ojha thinks it has. The bhāṣyas on the various sūtra works, like those of Pāṇini or the Śrautasūtras, Gṛhyasūtras, Dharmasūtras, or the philosophical sūtras, are so entirely distinct from the sūtra works that it is not at all possible to say that these sūtras have 'gone forward to the bhāṣya form.' The suggestion that Viṣṇugupta is different from Kauṭilya and belongs to a later age is also unacceptable. The *Nītisāra* of Kāmandaka in paying homage to Viṣṇugupta in the opening verses describes him as the wise man who by his occult powers brought about the downfall of the Nandas. This applies to Kauṭilya and not to any person of a later age. And when Ojha suggests that this later Viṣṇugupta was probably the teacher of Kāmandaka, he practically accuses Kāmandaka of being responsible for the fabricated identification of his teacher with Kauṭilya of antiquity. There is no ground whatever for such an accusation. And fabrication of identifications was not so common as Ojha seems to believe. The example of *Jyotirvidābharaṇa* is of a different kind. It claims to be written by the great Kālidāsa; but its real author is unknown. There is no attempt here to identify a later author with an earlier one. But in the case of the *Arthaśāstra*, a later redactor with a definite name is supposed to have been deliberately identified with an earlier author. That is not at all likely. Besides, there is no need to try to reconcile two different views about the authorship and date of the work when one of them can be shown to be not based on satisfactory evidence, as has been attempted in the preceding pages.

We may, therefore, conclude that there is no convincing reason why this work should not be regarded as the work of Kauṭilya, who helped Candragupta to come to power in Magadha. The question now is, in what circumstances did he come to write it? It is often assumed that it was written by him for the sake of Candragupta, to show how an Empire should be acquired and how it should be administered, and that it describes the administration in actual existence at

138 See pp. 35-36 above.

that time. Breloer, for example, says, "We have a document rich in administrative law, a sketch of a magna carta, if not a law-book of the Emperor Candragupta."[139] He finds an almost exact parallel with what was done by Tribonian at the instance of the Eastern Roman Emperor, Justinian. He says, "Both (Justinian and Candragupta) have in view an extension of the home law over the whole Empire by going back to old sources for creating a new law. Old codes are collected and turned by a school of learned men into a modern work under the guidance of here Tribonian, there Kauṭalya. Whom would this comparison not attract?"[140] Attractive though the comparison might appear to be, there are certain fundamental differences which cannot be ignored. There is nothing in the whole of the *Arthaśāstra* to show that it was composed at the behest of any ruler or that it was intended to serve as a guide to any particular ruler in a particular kingdom. Throughout it is addressed to 'the king' or the ruler in general. It contains the teaching of the śāstra meant for the guidance of rulers in general. The attempts to find a reference to Candragupta in *narendrārthe* (2.10.63)[141] or in *tena guptaḥ prabhavati* (1.14.15) are far from convincing. Again, the present work shows no trace of a desire to extend the administration and law of the home state (presumably Magadha) to an expanding Empire. No special administrative measures are recommended when new territories are acquired and added to one's own state, as we should have expected them in the Section on *labdhapraśamana* (Chapter 13.5). As for law, the situation in ancient India was entirely different from what it was in the Roman Empire. In Rome law was always state-made. The earliest Code of Laws, the Twelve Tables, was passed by the Senate and set up in the Forum. From time to time edicts were issued by the various Emperors. There was besides the common law embodied in a number of treatises by lawyers. The result was that by the time of Justinian, who ruled at Byzantium over the eastern part of the Roman Empire nearly a thousand years after the publication of the Twelve Tables in Rome, it was impossible to know which part of a statute was in operation and which had been superseded by some imperial decree. It was necessary to create order in this mass of legal literature. It is noteworthy that a committee of ten learned jurists appointed by Justinian took eight years to produce the Justinian Code, which they did by abridgment and consolidation, cutting out repetitions and contradictions. Such was never the case in ancient India. As Breloer himself admits, in India the king or the state did not appear as the law-giver.[142] One cannot speak of a Code

139 KSt, III, p. 11.
140 *Ibid.*, p. 12.
141 K. P. Jayaswal, HP, I, p. 214 ; also IA, 47, p. 55.
142 KSt, III, pp. 6-7

promulgated in any particular state. At no time was there a Magadhan Code of Law in existence, which could then be supposed to have been made applicable to new regions as they were incorporated in the growing Empire. Apart from local or other customary law, law, regarded as sacred, was always held to be valid everywhere. In spite of some differences among the learned on points of law, there was never confusion or chaos. And no body of learned men was necessary to put together the ancient law, as this was continuously studied in various schools. Old works were, of course, consulted when the present text was composed. But the help of a number of assistants was not at all necessary for the purpose.

We must, it seems, resist the temptation to look upon the present work as written for instructing Candragupta or as intended to describe the constitutional and legal setup obtaining in his Empire. It must be admitted that the existence of that Empire is completely ignored in this work. In fact, no event that can be regarded as contemporaneous with the author is directly referred to in it. It does, indeed, appear strange to us that an author writing a work on politics should so completely keep out all references to contemporary events, particularly when he is believed to have taken an active part in shaping the political events of his time. A partial explanation of this may be that he wished to stick to the method of the śāstra which was intended for the use of rulers in general, not of any particular ruler. It may also be that he had written this text before he took part in active political life. Tradition says that he was insulted by the Nanda king. It is possible that the desire for vengeance led him to a study of this śāstra with a view to find out means for destroying the Nandas. Finding that the śāstra as it was taught by the earlier teachers was often mistaken or extreme in its views, he may have composed a text of his own. And possibly it was afterwards that he became associated with Candragupta in the joint adventure. Be that as it may, this text cannot be regarded as written at the latter's instance or with the intention of describing conditions prevailing in his Empire.

Despite the legends about Kauṭilya or Cāṇakya preserved in many works, information about him that can be regarded as absolutely reliable is meagre. All sources, Brahmanical, Buddhist and Jain, are, however, agreed on one point, that he was responsible for the destruction of the Nanda rule in Magadha and the establishment of Candragupta Maurya on that throne. It is hardly worthwhile trying to find what truth there is in the different accounts of his life and doings that are found, for example, in Hemacandra's *Pariśiṣṭaparvan*, the commentary on the *Mahāvaṁsa*, the *Kathāsaritsāgara* and so on. The *Mudrārākṣasa*, however, shows him in a character that appears to be based on fact.

That play further represents him as anxious to secure the services of a competent minister for Candragupta and, so far as he himself is concerned, to retire from further active politics. This desire to retire from active politics is not in keeping with the commonly held view, supported by some accounts of his life, that he continued as the minister or Chancellor of Candragupta. But the *Mudrārākṣasa* version emphasising his desire to withdraw from active participation in public life after he had achieved his object of avenging the insult by the Nanda king appears to be more reliable. A man of the temperament which he clearly possessed could not have continued as minister of an Emperor for long unless that Emperor happened to be a mere figurehead. And there is no reason to believe that Candragupta Maurya was a mere figurehead. Greek accounts make him out to be a powerful monarch, leading his forces right up to the Indus and beyond and entering into a treaty with Seleucus, and administering the Empire with a heavy, even a tyrannous, hand; there is no hint there of any master mind behind his actions. The view that Kauṭilya continued as a minister even under Candragupta's son, Bindusāra,[143] appears, in any case, to be hardly plausible.

There has been a difference of opinion about the correct form of the name of the author, some preferring the form Kauṭalya (with ṭa), others sticking to Kauṭilya (with ṭi). T. Ganapati Sastri preferred the form Kauṭalya in his edition of the text and has argued in favour of its adoption and the rejection of the other form as incorrect. J. Jolly examined the question at some length and expressed the opinion that the form with ṭi was changed to the colourless Kauṭalya, because of the former's association with crookedness.[144] P. V. Kane has also expressed a similar opinion.[145] There are many scholars, however, who prefer the form with ṭa.

The form Kauṭalya is no doubt found in the Edappalli ms. (M_1 in the new edition) and the Devanagari fragment from the Patan Bhandar (D in the new edition). It should be noted, however, that in both these manuscripts an original ṭi seems to be changed to ṭa in a few places by rubbing off the sign for *i*. The Tanjore manuscript, on which the Mysore edition was based (G_1 in the new edition) has the form with ṭi throughout. Among the commentators, the old Malayalam commentary (Cb) has ṭa, so also the fragmentary *Jayamaṅgalā* on Book 1 and the *Cāṇakyaṭīkā* on Book 2 and on 3.1 (Cj). Similarly, the commentary of Yogghama on 2.1-3, which was discovered along with the Devanagari fragment at Patan (Cnn) has the form Kauṭalya. But

143 Taranath's *History of Buddhism* referred to by K. P. Jayaswal, JBORS, II (1916), pp. 80-81.
144 ZII, V (1927), pp. 216-221.
145 ABORI, VII (1926), p. 89.

the *Pratipadapañcikā* of Bhattasvāmin (Cp) as printed in the Journal of the Bihar and Orissa Research Society (Volumes XI and XII) shows the form Kauṭilya. And A. P. Banerji-Sastri, the joint editor of the commentary, expressly says in a review of Ganapati Sastri's edition of the text that it is not correct to say that this commentary has the form with ṭa; the Madras Government Library manuscript of the commentary, on the basis of which it was printed, has the form Kauṭilya.[146] Similarly, the *Nayacandrikā* of Mādhavayajvan (Cn) as edited by Udayavira Sastri in Volume II of the Punjab edition of the text shows the form Kauṭilya (pp.70,72,91 and the colophons of the *ṭīkā* in the Volume), though Udayavira Sastri himself had opted for Kauṭalya. It is, therefore, far from true that the evidence of the manuscripts and the commentators is all in favour of the form with ṭa.

Practically all the earlier works refer to this name with ṭi. Thus the *Viṣṇu Purāṇa* has Kauṭilya twice in IV.24.6-7, the *Vāyu Purāṇa* also twice in 37.324-325 and the *Matsya Purāṇa* once in 227.22. The *Nandisūtra* manuscripts have mostly the form *Koḍillayam*, implying an original Kauṭilya. The *Mudrārākṣasa* in 1.7 has *Kauṭilyaḥ kuṭilamatiḥ* etc., which clearly contains a pun on the name establishing its connection with *kuṭila*. Similarly, Bāṇa in the *Kādambarī* has *Kauṭilyaśāstram*, which is described as very wicked and so on. All these authorities are earlier than any manuscript or commentary of this work.

Among the later references to this name, we find some alternation between the two forms; but even there the preponderance appears to be in favour of the form with ṭi. The *Upādhyāyanirapekṣānusāriṇī* commentary on Kāmandaka's *Nītisāra* in the edition of R. Mitra (Calcutta, 1884) has the form with ṭa in five places, but that with ṭi in twelve places. The commentary *Jayamaṅgalā* on the *Nītisāra*, which is edited by Ganapati Sastri himself, shows throughout only the form with ṭi, as a reference to pp. 4, 5, 65, 157, 207, 226 and 236 of that edition in the Trivandrum Sanskrit Series will show. The *Nānārthārṇavasaṁkṣepa* of Keśava has Kuṭala as the name of a *gotrakṛt ṛṣi*. But the *Abhidhānacintāmaṇi* of Hemacandra has Kauṭilya as the name of the individual in the Bhavnagar edition of Hargovinddas and Behechardas, as well as in the Surat edition printed in the Nirnayasagar Press, though it shows the form Kauṭalya in the edition of Böhtlingk and Jacobi. There is no doubt that a number of manuscripts of this *kośa* of Hemacandra and his *vṛtti* on it show the form with ṭi. " Kṣīrasvāmin on Amara has the form with ṭi according to Aufrecht. Mallinātha has Kauṭilya, so Nīlakaṇṭha on the *Mahābhārata*, and Cāritravardhana on the *Raghuvaṁśa*. The *Vaijayantī kośa* as well as the

146 A. P. Banerji-Sastri, JBORS, XI (1925), p. 93.

Nāmamālā of Bhoja show the form with ṭi."[147] The preponderance of the evidence in favour of that form can hardly be questioned.

H. Berger refers to V. Trenckner's view that in the Middle Indian dialects (e.g. Pali) the penultimate *i* or *ī* of a word with more than two syllables is changed to *a* when a derivative requiring vṛddhi in the first syllable is formed from it, as in *purohita—porohacca, kulīna—kolañña, Kuṇḍina—Koṇḍañña* etc., and argues that Kauṭalya is a similar Middle Indian formation from kuṭila, and that it was later changed to Kauṭilya, a result of secondary Sanskritizing. He admits that the only word from which this name can be derived is kuṭila and that the so-called *ṛṣi* Kuṭala is an artificial reconstruction, resorted to for explaining the form Kauṭalya.[148]

Trenckner's view regarding these formations may be plausible, though W. Geiger, it seems, would regard these as simply cases of vowel-assimilation. However, whatever happened in Middle Indian dialects has little relevance in the present case. There is nothing to show that the name of our author was originally current only in a Middle Indian dialect and not in Sanskrit. He does not appear to be connected with Middle Indian literature in any way, and his name would normally be expected to show the Sanskrit form, not Pali. And if, as Berger admits, the name can be derived only from kuṭila (and not kuṭala), the Sanskrit derivative from it must be assumed to be Kauṭilya and not Kauṭalya. The rule about the Pali derivatives would not apply to Sanskrit derivatives. It may be mentioned that Buddhist works refer to the Sanskrit form Kauṇḍinya (and not Kauṇḍanya) corresponding to the Pali Koṇḍañña. It is impossible to say that Kauṇḍanya (derived from Kuṇḍina) is earlier than Kauṇḍinya, because the Pali form Koṇḍañña shows *a*,' not *i*.

D. B. Diskalkar refers to the fact that in an inscription at Gaṇesar near Dholka in Gujarat dated V. S. 1291, i.e., 1234 A.D., Vastupāla, the famous Jain minister of the Vāghelā King Vīradhavala, describes himself as the equal of Kauṭalya in statesmanship and that there the name shows the form with ṭa.[149] However, a much earlier inscription shows the other form. The Third Nidhanpur Plate of Bhāskaravarman of Kāmarūpa has in line 5 of the First Side, the word Kauṭilyo, followed by names of seven Brahmins belonging to this *gotra*. There can be no doubt about the word showing ṭi here.[150] Bhāskara-

147 Jolly, ZII, V, pp. 218-219.

148 H. Berger, '*Kauṭalya* ist älter als *Kauṭilya*' in *Münchener Studien zur Sprachwissenschaft*, Heft 6 (München, 1955), pp. 27-28.

149 IHQ, I (1925), p. 786.

150 Epigraphia Indica, Vol. XIX (1927-1928), pp. 245-250.

varman flourished in the first half of the seventh century A.D. being a contemporary of and referred to by the Chinese pilgrim, Yuan Chwang.[151]

The name is clearly a *gotra* name as is shown by the Nidhanpur Plate as well as by the *Kāmasūtra* and the *Kāvyamīmāṁsā*, in which, in obvious imitation of our work, the authors refer to themselves by their *gotra* names, Vātsyāyana and Yāyāvarīya respectively. Now, the *Gotrapravaramañjarī* of Puruṣottama-Paṇḍita mentions this *gotra* name with ṭi. It mentions the *gotra* Kauṭilya as one of the twenty-two Yaskas among the Bhṛgus according to Baudhāyana, also among the Bhṛgus but not as a sub-division of Yaskas according to Kātyāyana and Laugākṣi. It mentions Kauṭili among the Bhṛgus according to the Matsya Purāṇa. It also mentions Kauṭilyāḥ among the Gautamas according to Kātyāyana and Laugākṣi.[152] There can be no doubt that the author of the *Gotrapravaramañjarī* knew only the form Kauṭilya. Moreover, a family with the surname Kulkarni among the Śukla Yajurvedīya Māndhyandina Brāhmaṇas in Māhārāṣṭra still bears the *gotra* name Kauṭilya (with ṭi).[153] And *gotra*-names in the families may be supposed to be transmitted from generation to generation without any change of form or corruption. It can hardly be supposed that the family changed an original Kauṭalya to Kauṭilya. On the contrary, the temptation to change the latter would have been great.

Kuṭala is supposed to be derived from *kuṭa* 'a jar' plus *la* from the root *lā* 'to take' (*kuṭaṁ ghaṭaṁ dhānyapūrṇaṁ lānti gṛhṇanti iti Kuṭalāḥ*), so that the word is understood to mean 'one who has a large store of grains (*kumbhīdhānya*).' This etymology is hardly satisfactory, as the root *lā* is not attested early. One could get the same meaning from *kuṭila*, with a better etymology, by understanding *kuṭa* plus the suffix *ila* (*ilac*) which has the sense of the possessive. In that case, one can suppose that Kuṭila as a *gotra* name really meant one having a *kuṭa*, with no connection with *kuṭila* which has the sense of 'curved, crooked.' It seems that the confusion between Kuṭila as a *gotra* name and the adjective *kuṭila* meaning crooked, which is indicated by the pun in the *Mudrārākṣasa* passage, led to a desire to distinguish the *gotra* name from the adjective *kuṭila*, Kuṭala being thought of for the former. This seems to have happened fairly early, before the twelfth century A.D., to which the Devanagari fragmentary manuscript is assigned. But even when the new form Kauṭalya was substituted

151 *Ibid.*, p. 116.

152 See J. Brough, *The Brahmanical System of Gotra and Pravara* (Cambridge, 1953), pp. 82, 88, 96, 107 and 109; in the last place Kauṭilya is suggested by Brough for Kauśalya, Kaiśilya or Kauśilya of the manuscripts.

153 See D. D. Kosambi, Preface to *A Fragment of the Kouṭalya's Arthaśāstra alias Rājasiddhānta* (Bombay, 1959), p. 1, n. 3.

and adopted by certain authorities, the original form Kauṭilya has continued to be in use all through.

Cāṇakya, the other name, appears to be a patronymic. Hemacandra definitely explains it as meaning 'the son of the sage Caṇaka,' though in the *Pariśiṣṭaparvan* he gives the father's name as Caṇin. The statement in the *Jayamaṅgalā* commentary on the *Nītisāra*, 1.6, that Cāṇakya is derived from the name of his native land (*janmabhūmi-nibandhana*) is doubtful. H. Jacobi has questioned the identity of Kauṭilya and Cāṇakya.[154] He argues that Kauṭilya alone is known to the Purāṇas, while Cāṇakya alone is found in Prakrit works, in the *Bṛhatkathā* and in the Jain legends, and that this latter name is not found even in Kāmandaka. He has, therefore, suggested that Cāṇakya was probably a Prakrit poet on Nīti. Cāṇakya and Kauṭilya are, however, so unequivocally identified in the tradition of the *Mudrārākṣasa* that their identity must have been taken for granted long before the play was written. Again, Daṇḍin refers to passages from the present text as from the work of Cāṇakya. Besides, the *Tantrākhyāyika* has among its opening verses a salutation to the 'great Cāṇakya' along with other 'makers of the science of kingship'.[155] There is no doubt that this refers to the author of the present work, from which the *Tantrākhyāyika* frequently quotes. The name Viṣṇugupta appears to be the personal name of the author, *sāṁskārikī saṁjñā* as the *Jayamaṅgalā* on the *Nītisāra* says. It has been shown above that Viṣṇugupta cannot be regarded as the name of a later redactor, falsely identified with Kauṭilya.

Jolly, arguing that this is the work of a Pandit, not of a practical statesman, suggested that this Pandit was a Southerner, implying that he could not have been connected with Candragupta's Empire in the North. He argued that (1) the geographical horizon of the author, on the whole, points to the southern rather than to a northern home; for, in the discussion on trade-routes, the southern route is declared to be preferable to the northern in 7.12.23-24, and gems from South India and Ceylon occupy a prominent place in Chapter 2.11. (2) Besides, the only known manuscripts of the *Arthaśāstra* exist in the South.[156] To these arguments of Jolly, Meyer added the following: (3) Only Baudhāyana and Kauṭilya have a *paṇa* of 16 *máṣas*, while in other texts it is equivalent to 20 *máṣas*; Baudhāyana was a Southerner, so

154 IHQ, III (1927), pp. 675-676.

155 मनवे वाचस्पतये शुक्राय पराशराय च ससुताय ।
चाणक्याय च महते नमोऽस्तु नृपशास्त्रकर्तृभ्यः ॥
Tantrākhyāyika, Kathāmukha, st. 2.

156 Introduction, pp. 43-44.

probably was Kauṭilya. What is more, Baudhāyana and Kauṭilya agree in many places, often word for word. (4) The *paṇa* in the *Arthaśāstra* is a silver coin, not copper; according to the *Nārada Pariśiṣṭa* this is the case in the South. (5) Daṇḍin, also a Southerner, knows the *Arthaśāstra* more intimately than any other Sanskrit author.[157]

None of these arguments is at all satisfactory. The present work appears to be mainly based on earlier sources, and hence any indications in it concerning the home of the author must be used with great caution. Moreover, the arguments themselves cannot bear close examination. (1) The preference for the southern trade-route is no doubt expressed in Kauṭilya's own words. But that probably only indicates that the southern trade had in his days assumed greater importance than the northern one. Besides, we have to bear in mind the fact that the text in that place mentions routes to the south, to the north, to the west and to the east. Such a reference is only possible from the point of view of some one who belongs to the central part of India and not to the south or the north. Gems from the south are no doubt prominently mentioned in Chapter 2.11, but that is evidently because they mainly came from the south. Equal prominence is given in that Chapter to furs, woollens, silks, cotton textiles etc., which came mainly from the north or north-west. These lists hardly have any bearing on the home of the author. (2) The argument from the places of discovery of the manuscripts is now shown to be without significance by the discovery of the Devanagari fragment from the Patan Bhandar in Gujarat. (3) It is not true that all authorities except Baudhāyana and Kauṭilya know a *paṇa* of 20 *māṣas*. Manu, whom no one regards as a Southerner, states in 8.134-136 that a *kārṣāpaṇa* (which may be presumed to be equal in weight to the *paṇa*) is one *suvarṇa* in weight, i.e., 16 *māṣas*, not 20. The close similarity between Baudhāyana and Kauṭilya found in a few places seems to be due to a common source used by both; it has little to do with the home of either author. (4) The *Nārada Pariśiṣṭa*, it is admitted, is of very doubtful authenticity. There is no doubt that it is a very late production. Its statements, even if true for its day, can hardly be accepted as valid for conditions prevailing many centuries earlier. (5) Daṇḍin's close acquaintance with the *Arthaśāstra* can prove nothing about the home of the latter's author. One need not belong to the same region in order to be familiar with the work of another author. Viśākhadatta, who shows an almost equal acquaintance with Kauṭilya's work, does not appear to have been a Southerner at all.

157 Introduction to his German translation of the text, p. LIV.

It is, therefore, far from certain that the author of this work was a Southerner. In fact, if this line of reasoning were to be pursued in other matters, it would be very easy to show that he was a Northerner. For instance, according to 2.20.37-38 in this text, the longest day of the year has a duration of 18 *muhūrtas*. This length of the day, at the summer solstice, which comes to 14 hours 24 minutes, is possible only in the North of India. But the same length is found in the *Vedāṅga Jyotiṣa* and in the Jain work *Sūryaprajñapti*[158] Any conclusion concerning the home of the author from this indication would be suspect, since the author most probably has taken over this information from earlier sources. Similarly, in 2.20.41, we are told that the sun casts no shadow at midday in the month of Āṣāḍha. This means that the sun is vertically overhead at noon at the time of the summer solstice. This is possible only at a place with a latitude of about 23½ degrees North, that is, a place to the north of the Vindhyas. However, this indication, too, may be of little value if the information is derived by the author from earlier sources. And Jacobi has shown that the *Sūryaprajñapti* and other works contain the same information about the disappearance of the shadow at midday in Āṣāḍha.[159] Again, the text in 2.24.5 mentions certain regions in connection with the amount of rainfall. These are Aśmaka, Avanti, Aparānta and the Haimanya, most of them belonging to the north or west. Here, too, the author may simply be reproducing traditional knowledge on the subject, so that no conclusion can be drawn about his home from such an indication. Similarly, in connection with defamation, he refers to Prājjūṇa and Gāndhāra (3.18.8), regions that are definitely not in the south. In 11.1.4-5, a number of saṁghas are enumerated by the author, Kāmboja, Surāṣṭra, Licchivi, Vṛji and so on; all of them are situated in the north, north-west or west and none in the south. In this case, it is possible to argue that the author must be supposed to refer to saṁghas that existed in his day; else it would have detracted from the value of the work even in the eyes of his disciples. The overall impression created by the study of the text is that it has principally conditions in Northern India in view, whatever may have been the place of birth of the author. According to Buddhist sources, e.g., the *ṭīkā* on the *Mahāvaṁsa*, Cāṇakya, that is Kauṭilya, was an inhabitant of Takṣaśilā.[160] That appears to be not unlikely.

158 Cf. H. Jacobi, ZDMG, 74 (1920), p. 252.
159 *Loc. cit.*, pp. 251-252.
160 Turnour, *Mahāvaṁsa*, Introduction, p. xxxix.

CHAPTER FIVE

THE STATE IN KAUṬILYA

THE *Arthaśāstra* is not a theoretical treatise on political science. It does not directly concern itself with the question of the origin of the state, its nature or its functions. It does not inquire how some men come to rule over others and how or why the majority of men are content to be governed by a few. Nor does it refer to the various forms that the state organisation is found to take and discuss their relative advantages and disadvantages. What it says on such questions is only incidental. Its primary concern is with matters of practical administration. One cannot, therefore, deny the justice of Keith's remarks : " India offers nothing that can be regarded as a serious theory of politics in the wider sense of that term. But there was intensive study of the practical aspect of government and of relations between states."[1]

However, it is possible to trace some sort of a theoretical basis for the teaching of the śāstra. Monarchy is indeed assumed to be the normal form of government. The entire teaching of the śāstra is addressed to the king, the single ruler of a state. Concerning the origin of monarchy, the text incidentally refers to circumstances in which it may be supposed to have originated. In 1.13.5-7 we read : "When people were oppressed by the law of the fishes (*mātsyanyāya*, according to which the bigger fish swallow the smaller ones), they made Manu, the son of Vivasvat, the king. They fixed one-sixth part of the grains and one-tenth of their goods and money as his share. Kings who receive this share are able to ensure the well-being of their subjects." Here we have something like an original contract for the establishment of monarchy. The original state of nature is imagined to be one of total anarchy, where might alone was right. People agreed to pay taxes and to be ruled by one person in order that they may be able to enjoy security and well-being (*yoga-kṣema*). This is no theory of a social contract such as is worked out in the works of Hobbes or Rousseau. It is also to be noted that the words referred to are put in the mouth of a secret agent, who moves about in places where people gather together in order to find out if they are loyal to the ruling monarch or not. The purpose underlying those words is to dissuade people from entertaining feelings of disaffection towards the ruler. They are not

1 Foreword to N. N. Law's *Aspects of Ancient Indian Polity* (Oxford, 1921), p. V.

the words of the author himself in which he may be understood to be propounding any theory of his own concerning the origin of kingship.

The first king ever, according to this passage, was Manu, the son of Vivasvat. This is evidently a reference to the supposed founder of the solar dynasty of kings, for Vivasvat is the Sun. The first ruler is thus thought of as descended from a god. A little further on in the same passage, the secret agent is made to add : " Kings occupy the position of Indra and Yama on earth ; their favours and displeasures are manifest to all. Divine punishment also falls on those who treat kings with disrespect (1.13.10-11)." We have here a suggestion that the king's role on earth is similar to that of the gods. He is able to grant favours like Indra and to inflict punishment like Yama. And disrespect to the king is said to bring on divine punishment. Yet this is no fully developed theory of the divine origin of kings. That idea is more fully developed in the *Manusmṛti* where in 7.3-8 it is asserted that the king was created out of the essences (*mātrābhyaḥ*) of eight divinities, Indra, Anila, Yama, Arka and others. As such he is said to be endowed with the various powers of these divinities and is in fact declared to be " a great divinity in human form (*mahatī devatā hyeṣā nararūpeṇa tiṣṭhati*)." We have no such categorical declaration in the present text, though the idea is probably as old as the Brāhmaṇa period.[2] It should also be remembered that the words are again those of a secret agent used by him to impress on the people the necessity of being loyal to the ruling monarch. They do not necessarily reflect the author's own opinions on the question. In any case, as Ghoshal says, " None of the Hindu theories approaches the character of a system. . . . While embodying rational speculation they are placed in a mythological setting."[3]

However, though one cannot find in the text any true theory of the source of the authority wielded by the ruler over the ruled, there are in it frequent references to his obligations towards them, obligations which flow from that authority. His first and foremost duty is said to be the protection of the subjects. When he carries out this duty of protecting the subjects, he, it is said, goes to heaven (3.1.41). This protection, *rakṣaṇa* or *pālana*, means primarily the protection of the person and property of the subjects. The whole of Book Four, called *kaṇṭakaśodhana*, is concerned with such protection of the people from anti-social elements like deceitful artisans and traders, thieves, dacoits and murderers, as well as their protection from natural calamities, such as fire, floods etc.

2 See U. N. Ghoshal, *A History of Hindu Political Theories*, pp. 32-33.
3 *Ibid.*, p. 274.

The duty of the ruler to protect his subjects is, however, often expressed not in terms of *rakṣaṇa* or *pālana*, but in terms of ensuring their *yogakṣema* (1.13.7 and elsewhere). This implies something more than mere protection of person and property. As is well-known, *yoga* refers to the successful accomplishment of an object, while *kṣema* refers to the peaceful, undisturbed enjoyment of that object. Security, that is, protection by the state is essential for both. But ensuring the two means something more than merely providing security. In fact, *yogakṣema* implies the idea of welfare, well-being, including the idea of prosperity, happiness and so on. That is why the text asserts, "In the happiness of the subjects lies the happiness of the king, and in what is beneficial to the subjects his own benefit etc." (1.19.34). It is not possible to agree with W. Ruben who thinks that these words are not to be taken seriously, that the pious sentiments expressed by the author are only make-believe and that of inner piety there is very little.[4] That by ensuring the subjects' happiness and welfare the ruler ensures his own happiness and welfare is not a mere pious sentiment. It is a natural corollary that follows from the thesis that if the subjects are not happy and contented they might become disaffected towards the ruler, and that might be the end of his rule. We shall presently see that in the last analysis the ruler in this śāstra is dependent on the suffrage of the ruled.

In order to do what is beneficial to the subjects, the state is expected to engage in various kinds of activity. The ruler is to undertake such *karmans* or activities as *śūnyaniveśana*, settlement on virgin land, *setubandha*, building of dams, tanks and other irrigational works, *vraja*, providing pastures for cattle, *vaṇikpatha*, opening trade-routes and ensuring safety on them, *khani*, working of mines and so on. In Chapter 2.1, these activities are specially prescribed (2.1.1, 19-20). Besides, in all discussions on matters of foreign relations, these state activities are intended to be always kept in view by the ruler as objectives to be achieved. In fact, the *vijigīṣu* is advised even to enter into a treaty with his natural enemy, in order that he may be able to outwit him in the matter of these undertakings, such a treaty being called *karmasaṁdhi* (Chapters 7.11 and 12). These undertakings, it cannot be denied, are meant to further the well-being of the subjects.

That the ruler is to allow the interests of the subjects to prevail over those of the state is stated in another context. It is laid down that the sale of commodities, whether indigenous or imported, should be arranged in such a way that the subjects are benefited thereby (*prajānām anugraheṇa*) and that any profit that may be harmful to the

4 'Materialismus in Leben des alten Indien', Acta Orientalia, XIII (1935), p. 178.

subjects should be avoided (2.16.4-6). The rule is repeated in 4.2.27,35. Further it is said that when the subjects are struck down by natural calamities, the ruler should take care of them like a father (4.3.43). This idea that the king should be as a father to his subjects is referred to elsewhere also (2.1.18). The ideal set before the ruler is that of paternalistic rule. Perhaps this ideal preserves the memory of the very ancient times when the head of the tribe or clan was in actual fact the paterfamilias of the entire group. The ideal persisted, though the structure of social and state organisation had materially changed. In fact, the paternalistic ideal continued to be regarded as the ideal even in the princely states that had survived till the other day.

The fact that the state is to concern itself with the welfare of the subjects might lead one to suppose that we have here something like the idea of a 'welfare state'. This may seem to be supported by the reference to 'those who have necessarily to be maintained' by the state (1.12.1) and to the duty of the state to maintain minors, aged persons and those in distress when these have no one to look after them (2.1.26). It can also be justly maintained that the Arthaśāstra state is no police state nor a merely tax-gathering state. Nevertheless, the idea of a welfare state of to-day is evidently bound up with industrialism and its attendant evils. Of this there was precious little in ancient India.

There is another aspect of the protection which is laid down as the ruler's duty. Protection also implies the protection of the social order founded on the system of *varṇas* and *āśramas*. The ruler is asked to see that every one carries out the duties of the *varṇa* or *āśrama* to which he belongs as laid down in the Trayīdharma or the Vedic way of life (1.3.4,16-17). After conquering the earth the *vijigīṣu* is advised to enjoy it by maintaining the social order in conformity with the *varṇāśrama* system (13.4.62). This kind of social order is regarded as sacrosanct, as having behind it the sanction of the Vedas. Any disturbance of this order is not to be tolerated, as that would lead to *saṁkara* or a confusion of the *varṇas* and their duties, which might result in the destruction of society, and, by implication, of the state itself (1.3.14-15). The preservation of the Vedic social order is thus a duty laid on the ruler. Consequently, it can be said that the Vedic religion is to be the state religion. That, however, does not mean that a theological state is thought of in this śāstra. No organised theological body was there to intervene in affairs of the state to safeguard religious interests or to enforce religious sanctions.

How is the ruler to ensure the protection of the subjects? That is to be done with the help of *daṇḍa*, which is the symbol of the ruler's authority (1.4.16). With the help of *daṇḍa* the ruler is to prevent

might from proving right and to enable the weak to hold their own against the strong. In the absence of *daṇḍa* the strong would swallow up the weak and there would be anarchy everywhere (1.4.13-15). It is, of course, obvious that *daṇḍa* represents the coercive power of the state.

The use of *daṇḍa* requires great care. Only a just use of *daṇḍa* secures the protection of the people, while at the same time it ensures happiness for the ruler in the next world (3.1.42). An unjust or improper use of this power by the ruler might lead to serious consequences the most serious being a revolt (*kopa*) of the subjects against the ruler (1.4.12). The text very frequently refers to the possibility of the subjects being discontented (*atuṣṭa*) or even disaffected (*apacarita*). It enumerates a very large number of acts on the part of the ruler which are likely to make the subjects disaffected with his rule (7.5.19-26). It is added that if the subjects become disaffected they may join hands with the ruler's enemies or may rise in revolt and themselves slay him (7.5.27). The threat of *prakṛtikopa* or a revolt of the people is expected to serve as a check on the wanton use of his coercive power by the ruler. This shows at the same time how the ruler's authority is, in the last analysis, dependent on the contentment of the subjects. These latter may have no voice in the choice of the ruler; but it is they who have, in the ultimate analysis, the power to allow him to continue or to remove him depending on how he behaves. The śāstra has nothing against regicide if the ruler is unjustly behaved or fails to protect the subjects.

A question that has assumed some importance because of its supposed bearing on the problem of the date of this text is that about the size of the state which it has in view.[5] There seems to be little reason to doubt that the state for the regulation of which the śāstra came into being is one of a moderate size. Its entire teaching on the foreign relations of a state is based on the theory of the *maṇḍala*, which presupposes the simultaneous existence of at least a dozen states. These may be presumed to have been situated in the *cakravartikṣetra*, that is, within the borders of India. At most, therefore, the state visualised in the śāstra can be supposed to be as large as a modern State in present-day India. This is not a small size by any reckoning. However, the state conceived in the early theory appears to be smaller than this. Of the seven *prakṛtis*, that concerned with the state's territory is called *janapada*. Unlike later works like the *Manusmṛti*, this text does not use the word *rāṣṭra* for the purpose, as a reference to 6.1.1,8, 8.1.5ff. will clearly show. Now a *janapada*, in its origin,

5 See pp. 63ff. above.

appears to have been the territory on which a particular people or tribe was settled, the *Pāñcāla Janapada*, the *Kosala Janapada* and so on. There is the well-known reference to the sixteen *mahājanapadas* in Buddhist literature presumably in existence at the time of the rise of Buddhism. When it is remembered that all these sixteen *janapadas* were situated in the north and north-east of India, it becomes obvious that the average size of a *janapada* has to be assumed to be much smaller than that suggested by the theory of the *maṇḍula*.

Moreover, there are many indications in the text that it has in view a comparatively small-sized state. In Chapter 1.19 the king is asked to look personally into the affairs of his subjects (1.19.26ff.). There is no hint there that judges are to be entrusted with this work, though elsewhere (in Book Three) the appointment of judges is referred to. It appears that the earlier Chapter represents a state of things when the king did personally look into the affairs of all his subjects. That was possible when the territory over which the ruler had sway was comparatively small. Similarly, Chapter 2.1, which refers to settlement on virgin land, creates the impression that an entirely new *janapada* could be brought into being by such new settlements (*abhūtapūrvaṁ vā janapadam..... niveśayet*, 2.1.1). The Chapter seems to indicate that the *janapada* is to contain 800 *grāmas*, with a *sthānīya* at its centre (2.1.4). This *sthānīya* in the centre of the *janapada* is in fact the fortified capital of the *janapada* to which all revenue is brought (2.3.3). It is stated elsewhere that the *samāhartṛ* should divide the *janapada* into four divisions for revenue and administrative purposes (2.35.1). This *janapada*, under the administrative control of the *samāhartṛ*, could not have been very large. It is hardly possible to suppose that *janapada* represents not the entire territory of the state but only a unit of administration, as is understood by Kosambi.[6] If that suggestion were accepted we would have to assume that there are to be as many *samāhartṛs* as there are such administrative units. The text, however, throughout presupposes only one *samāhartṛ*. Besides, in the theory of the seven *prakṛtis*, *janapada* could never have meant a unit of administration.

Nevertheless, a much larger state is indicated by the scale of salaries laid down for the various state servants in Chapter 5.3. We find there salaries as high as 48,000 *paṇas* per annum for a large category of dignitaries. When we remember that the *paṇa* in this text is a silver coin, the total salaries recommended for the various grades of servants would appear to be possible only in a state with large resources at its command and hence one that is fairly large in size.[7]

6 'Ancient Kosala and Magadha', JBBRAS, 27 (1951), p. 205.
7 See B. K. Sarkar, IHQ, I (1925), p. 751.

It seems that when the śāstra was first formulated it was primarily concerned with a state of a comparatively small size; but in view of its recommendation to expand the territory by conquest, it came, in course of time, to provide for a much larger-sized state. The text has taken note of such developments. But on the whole it has preserved the basic form of the teaching of the śāstra, which was originally concerned with a small-sized state.

As regards the forms of government, monarchy, that is, the rule of a single individual is tacitly assumed to be the normal form. The position of the monarch seems to have changed from what it was in the Vedic age. There is no reference to the election of the king, to the *ratnins* or the king-makers, to the *sabhā* and the *samiti*, of which we read in the Vedic literature. The Arthaśāstra theory may be assumed to have originated in an age when monarchs had assumed more or less absolute control over the state machinery. That was the age just before or about the time of the rise of Buddhism, the literature of which reveals the existence at that time of monarchies more or less of the same type which the śāstra has in view. One need not suppose that it was the śāstra that brought such absolute monarchies into being. More likely, it merely took note of facts as it found them and framed its rules accordingly.

Deviations from the normal form of monarchy are considered in Chapter 8.2, a deviation being regarded as a *vyasana* or calamity that has affected rulership. The first *vyasana* to be considered is *dvairājya*, the rule of two. This does not involve partition of the kingdom between two rulers, as is the case with the *dvairājya* ordered to be established in Vidarbha by Agnimitra according to the *Mālavikāgnimitra* of Kālidāsa in Act V. That would be only a duplication of the normal monarchy; it would not involve deviation from the normal. As understood in this text, *dvairājya* is joint rule over the whole kingdom by two rulers such as a father and son or two brothers (*pitāputrayor bhrātror vā*, 8.2.7). The good and bad points of this sort of rule are discussed in a comparison of this form with another form, *vairājya*. The discussion shows that the earlier teachers saw a greater danger in *dvairājya*, as it was likely to create two parties in the kingdom leading to mutual rivalry and ultimate ruin of the kingdom. Kauṭilya himself prefers *dvairājya* to *vairājya*. He argues that it is possible for the two rulers to hold the likely two parties in check and to avoid all rivalry.

The *vairājya*, with which *dvairājya* is compared, is really not a different form of government. It means only rule by a foreign ruler, who has seized the kingdom by force and ousted the legitimate ruler. The earlier teachers had preferred *vairājya* on the ground that the foreign ruler is likely not to disturb the state of things which he finds

in the kingdom and might allow things to go on as before since that would help him to win over the subjects to his rule. Kauṭilya himself disapproves of *vairājya*. He argues that the foreign ruler, having no interest in the welfare of the conquered state, is likely to deplete it of its men and resources, or to sell it for money to a third party, or if altogether disgusted with the people there, just leave them to their fate and go away.

K. P. Jayaswal has attempted to show that *vairājya* is a kind of 'kingless constitution', by which he apparently means something corresponding to anarchy.[8] His view, however, does not appear to be correct as it is based on an inaccurate rendering of the passage in question.[9] His translation of it reads, "Nobody feels in a *vairājya* government the feeling of 'mine' (with regard to the state), the aim of political organism is rejected, any one can sell away (the country), no one feels responsible, or one, becoming indifferent, leaves the state." In the sentence in question, the subject for *karśayati*, *apavāhayati* and *paṇyaṁ karoti*, cannot be 'any one', i.e., any citizen. Only a ruler can engage in the activities of reducing (*karśana*), carrying away (*apavāhana*) or selling (*paṇyaṁ kṛ*) a country or its populace. As 9.4.8 and other passages in the text show, these are the things which a king generally intends to do to his enemy's country or people. It is also not possible to agree that *vairājya* means 'aristocracy' ruling under authority from the *janapada* or the entire body of people, as H. K. Deb thinks.[10] The text contains nothing that can justify this view.

The foreign ruler implied in *vairājya* is, however, not necessarily any one from beyond the frontiers of India. The ruler thought of is one from a neighbouring state in India itself. It is, therefore, not quite right to find in the passage a reference to Alexander's invasion and the occupation of the Punjab by the Greeks as is sometimes done.[11] Kauṭilya's predecessors, who presumably lived before Alexander's invasion, already knew *vairājya*. Moreover, the description in the passage is hardly applicable to Greek or other foreign occupation of parts of India.

It must be remembered that *dvairājya* is preferred by Kauṭilya only in comparison with *vairājya*. Considered by itself or in comparison with the rule of a single monarch, it is certainly characterised by drawbacks, to which the earlier teachers had drawn attention.

8 HP, I, pp. 92-94.

9 वैराज्यं (or वैराज्ये) तु जीवतः परस्याच्छिद्य नैतन्ममेति मन्यमानः कर्शयत्यपवाहयति पण्यं वा करोति विरक्तं वा परित्यज्यापगच्छतीति । KA, 8.2.8.

10 H. K. Deb, IHQ, XIV (1938), pp. 371-372.

11 For example, by I. Topa, *The Minister as a King-maker* (Allahabad, 1941), pp. 62-63.

Kauṭilya would probably have agreed with them in the matter of these drawbacks, if only *vairājya* had not been brought in for comparison.

Similar to *dvairājya* appears to be the rule by the *kula* or *kulasaṁgha*, which is recommended in order to ensure continuity when succession to the throne is in doubt because of the incompetence of the ruling monarch's son. It is stated that a *kulasaṁgha* is difficult to conquer and can continue to rule forever (1.17.53). This appears to be a sort of condominium, with all adult members of the royal family constituting a ruling council. Such a council can perpetuate itself for ever, depletion caused by death etc. being made good by new members coming in on the attainment of majority. Though the text refers to rule by the *kulasaṁgha* in appreciative terms, it is recommended only as an emergency measure. It is obvious that such a rule is likely to lead to difficulties in actual practice. The rivalries of *dvairājya* may be multiplied. In fact, concerning 'royal families having the characteristics of a *saṁgha* (*saṁghadharmiṇāṁ rājakulānām*, 8.3.64)' it is stated elsewhere that they are particularly susceptible to disruption and ruin through dissensions caused by gambling. A *saṁghadharmin rājakula* is obviously the same as *kulasaṁgha*.

The *saṁgha* type of rule is mentioned in Book Eleven, which is called *saṁghavṛtta*. The purpose of the Book is to show how the *vijigīṣu* should try to secure the submission of the *saṁgha*s to his suzerainty. We do not find there many details about the constitution of a *saṁgha*. Two types are, however, distinguished. One is *vārttā-śastropajīvin*, that is, engaged in agriculture, cattle-rearing or trade in peace-time, but easily taking to arms in case of need. Such *saṁghas* may be supposed to be composed essentially of martial clans. The other type is called *rājaśabdopajīvin* 'living by the designation or title of king.' The significance of this expression is not made clear, but it seems to mean that all those who formed the council of rulers in the *saṁgha* bore the title of *rājan* or king.[12] A *saṁgha* of either type had apparently more than one chief (*mukhya*) at the head. For, creating dissensions among the different *mukhya*s of a *saṁgha* is the principal means recommended in the Chapter for securing its submission. However, in the concluding śloka in that Chapter, where advice is given on how the *saṁgha* should resist the attempts to secure its submission, a single *saṁghamukhya* is referred to. Such may have been the case in some *saṁghas*. It is not possible to say from what we have in the text how the *mukhya*s came to occupy the position at the head of

12 A. L. Basham remarks that the *Arthaśāstra* probably refers ironically to the martial arrogance and practical ineptitude of the republics when it states that the members of the seven named tribes 'make a living by their title of rājā.' (*The Wonder that was India*, p. 97).

the *saṁgha*. It may be that the chiefs were drawn from certain fixed families. In any case, it is evident that they formed the ruling council. The *saṁgha* would thus appear to be a sort of oligarchy. In its origin it seems to have been a confederation of clans, each clan retaining its chief and all the chiefs together forming the ruling council of the *saṁgha*.

It is stated that it is more advantageous to the *vijigīṣu* to get a *saṁgha* on his side than to obtain troops or to secure an ally. The reason is that the *saṁgha* is more closely knit and hence difficult to overpower (11.1.1-2). It is thus thought to be a better fighting unit than ordinary troops and more steadfast in alliance than an ordinary ally. It may be assumed that the constitution of the *saṁgha* was able to instil a feeling of solidarity among the confederating units. The presence of a number of chiefs on the ruling council also prevented any sudden shift of policy, such as is likely to be the case with a single ruler, whose actions may be swayed by his personal whims. Nevertheless, the fact that there were many chiefs in the *saṁgha* was also likely to be the principal cause of its undoing. The Chapter itself shows at length how easy it must have been to create dissensions among them. That there were 'high' and 'low' persons in a *saṁgha*, between whom marriage relations and taking meals together were considered improper is shown by 11.1.10-11.

The *Arthaśāstra* mentions some *saṁgha*s of the two types by name. The first type is illustrated in the expression *kāmbojasurāṣṭrakṣatriya-śreṇyādayaḥ* (11.1.4). This is often understood to mean 'Kāmboja, Surāṣṭra and other Kṣatriya clans.' This, as K. P. Jayaswal has pointed out, does violence to the position of *ādi* in the compound. He regards Kṣatriya and Śreṇī as names of two other *saṁgha*s of the first type. The former he identifies with the Xathroi mentioned by the Greek historians. As to the Śreṇis, he identifies them with Sinae found in the latter part of Agesinae (standing for Agra-Śreṇī) mentioned by those historians.[13] The former of these identifications seems plausible; the latter, however, is very doubtful. Perhaps, despite the grammatical difficulty we have to fall back on the other explanation. In any case, it is clear that this type of *saṁgha* prevailed in regions in the north-west and west of India.

As *saṁgha*s of the second type are mentioned Licchivika, Vṛjika, Mallaka, Madraka, Kukura, Kuru, Pāñcāla and others (11.1.5). Of these Madra and Vṛji are known to Pāṇini as names of *saṁgha*s. Buddhist sources refer to Vṛjis, Mallas and Licchivis. The last-named preserved their identity up to the Gupta period. The Kukuras were,

13 HP, I, pp. 61-62.

according to Jayaswal, a member of the Andhaka-Vṛṣṇi league.[14] The present text refers to the Vṛṣṇi-saṁgha in another connection (1.6.10). As to the Kurus and Pāñcālas, the *Mahābhārata* shows them to have been monarchies. Most of the *saṁghas* of the second type were established in U. P. and North Bihar ; only the Madrakas are known to have been settled in the Punjab.

The *saṁgha* form of rule is quite ancient. L. de la Vallée Poussin has argued that many of the *saṁghas* known to Pānini represent Bactrian clans that had penetrated into India before the invasion of Alexander.[15] Following a suggestion of Przyluski, Tarn has stated that the Madras were probably a Saka clan (as indicated by the name, Sāgala, of their capital) who had come to India shortly before the Persian conquest of North-west India.[16] Some of the other *saṁghas*, too, such as the Kāmbojas and the Licchivis, were probably non-Aryan in origin. Most of the *saṁghas* mentioned in the text appear to have disappeared early. There is no proof of the survival of most of them beyond the Maurya age, which would appear to be an indication of its early date.[17]

It should be pointed out that though the *vijigīṣu* is advised to tackle the *saṁghas* with a view to securing their allegiance, the author is not against *saṁgha* rule as such. In fact, in his characteristic manner he gives advice to the *saṁghas* on how to withstand and frustrate the tactics which the *vijigīṣu* is likely to use in order to overcome their resistance. The text recommends that the chiefs should be just and benign in their dealings with members of their *saṁghas*, so that there is no scope for the creation of dissensions among them (11.1.55-56). It is, therefore, hardly right to suggest that the Chapter shows Kauṭilya's anxiety to do away with the *saṁghas* for the sake of building up an empire or that he set himself to the task of undermining their power.[18] In the opening sūtras of the Chapter it is said that it is better to have a *saṁgha* on your side than to acquire an army or to secure an ally. Unlike these the *saṁgha* is invincible. So long as a *saṁgha* is friendly to the *vijigīṣu*, he is advised to make use of it with the expedients of *sāman* and *dāna*. It is only if a *saṁgha* proves hostile to the *vijigīṣu* that he is advised to use *bheda* or *daṇḍa* to overcome its

14 *Ibid.*, p. 59.
15 *L'Inde aux Temps des Mauryas* etc., (Paris 1930), p. 14.
16 *The Greeks in Bactria and India* (Cambridge, 1938), p. 171.
17 See p. 99 above.
18 Cf. R. C. Majumdar, *Corporate Life in Ancient India* (Calcutta, 1922), pp. 253ff.; also *The Age of Imperial Unity* (Bombay, 1951), p. 334. A similar view is expressed by K. A. Nilakanta Sastri in *Age of the Nandas and the Mauryas* (Banaras, 1952), p. 173.

hostility.[19] This is understandable in view of the ideal of establishing his suzerainty over all states that is set before the *vijigīṣu*. It shows no special desire to uproot the *saṁghas*. And if the author had entertained such a desire, he would not have tendered the advice to the *saṁghas* to guard themselves against the machinations of the *vijigīṣu*.[20]

Whatever the form of government, the presence of certain elements is essential to make a state. This is embodied in the well-known doctrine of *prakṛtis*. Of these seven are enumerated: *svāmin*, the ruler, *amātya*, the minister, *janapada*, the territory with people settled on it, *durga*, the fortified capital, *kośa*, the treasury, *daṇḍa*, the army and *mitra*, the ally (6.1.1). The last in this list, viz., the ally is the ruler of a different similarly organised state and forms no part of the other state's internal organisation. His mention is primarily in connection with that state's foreign relations. There are thus six essential elements in a state. This analysis of the elements that make up a state's organisation is obviously made from the practical standpoint of administration. There is first the ruler, then the ministers who assist him in his rule, the populated territory over which he rules, the fortified capital from which he rules and the treasury and army that ensure the stability and security of his rule. It is to be noted that in this analysis the citizens of the state are not directly referred to. Their existence is to be understood by implication in the reference to the *janapada*. For, it is stated elsewhere in Kauṭilya's own words that there can be no *janapada* without people living in it (13.4.5). This doctrine of the *prakṛtis*, therefore, throws no light on the nature of the relation that may be assumed to exist between the state and its citizens.

The *prakṛtis* are enumerated in accordance with their relative importance. This is made clear in the course of a long discussion on the relative seriousness of the *vyasanas* befalling them (Chapter 8.1). It is no doubt added at the end that if a *vyasana* of any *prakṛti* brings about the ruin of all the other *prakṛtis*, that *vyasana* must be regarded as most serious whatever the place of that *prakṛti* in the order of enumeration (8.1.63). That does not, however, affect the general proposition that each earlier *prakṛti* in the list is more important than each later one. And, of course, there can be no doubt that the ruler is the most important of all the *prakṛtis*. It is significant that the word used for the ruler in this context is *svāmin*, which primarily means the owner or the master. It is also stated that the ruler, referred to

19 संघलाभो दण्डमित्रलाभानामुत्तमः। संघा हि संहतत्वादधृष्याः परेषाम्।ताननुगुणान् भुञ्जीत सामदानाभ्याम्, विगुणान् भेददण्डाभ्याम्। KA, 11.1.1-3.

20 संघाश्चाप्येवमेकराजादेतेभ्योऽतिसंधानेभ्यो रक्षेयुः। KA, 11.1.55.

as the king, and his rulership, referred to as *rājya*, sum up all the *prakṛtis* (8.2.1). Though the expression *rājā rājyam* in this sūtra does not convey the same idea as the French *L'etat, c'est moi*, it does bring out the importance of the king in the state set-up.

The special position of the king in a state set-up might lead one to think that the state as such has hardly any existence independent of the king. U. N. Ghoshal, for example, has argued that the state was largely identified with the king. Though this is true in a sense, one of the reasons given for holding this view, namely, the relatively large number of items (in *vyayaśarīra*) comprising what may be called the personal expenditure of the king,[21] will not bear close scrutiny. Of the fifteen items of expenditure listed in the *vyayaśarīra* in 2.6.11, only the first four can be said to refer to the king's personal expenditure. All the other items refer to expenditure on matters connected with state activity, such as the appointment of ambassadors, the maintenance of state stores, the running of state factories, providing for the equipment and maintenance of the armed forces and so on. This can hardly be regarded as the king's personal expenditure. It may be pointed out in this connection that every item of precious article or land, that is delivered to the king or the queen or any of the princes, is required to be recorded in the account books (2.7.2). That would hardly have been recommended if the treasury were something like the king's personal property.

However, there is a sense in which the king may be said to be identified with the state in the teaching of the śāstra. State activity is mostly represented as something emanating from the king. This is true as much of activity like mining, state manufacture, irrigation, opening of trade-routes and so on as of maintaining relations with foreign states. Often what is received by the state is represented as going to the king. Thus we find *rājā haret* (3.9.17, 3.11.40, 3.16.22) or *rājagāmī nidhiḥ* (4.1.52) or *dravyaṁ rājadharmyaṁ syāt* (3.16.19) when what is meant is that the goods or objects become the property of the state or escheat to it. It is not meant that they become the king's personal property. The śāstra is addressed to the king, and an abstract conception like the state is not always distinguished from the personal ruler. But though the śāstra is concerned with guarding and furthering the rule of the personal ruler, one cannot understand it to mean that it recommends a policy of personal aggrandizement at the cost of the subjects' welfare or the general good of the state.

The śāstra refers to three *śaktis* or powers that operate in a state. They are *utsāhaśakti*, the personal energy and drive of the ruler himself,

21 *Contributions to the History of the Hindu Revenue System* (Calcutta, 1929), p. 154.

prabhāvaśakti, the power of the army and treasury, and *mantraśakti*, the power of counsel and diplomacy. These powers are thought of in connection with a state's relations with other states and have no bearing on the internal structure of a state's organisation. That is why Kauṭilya in his own words maintains, as against the opinion of the earlier teachers, that *prabhāvaśakti* is more important than *utsāhaśakti* and that *mantraśakti* is more important than both. With wise counsel and clever diplomacy a king can easily overcome energetic or mighty rivals (9.1.2-16). So far as the internal organisation of the state is concerned there can be no doubt about the king being the supreme head (8.1.18).

From the discussion in Chapter 8.2 it would appear that according to Kauṭilya himself the ruler to be preferred is one who is a native of the territory, who follows the teaching of the śāstra, who is free from disease and is strong and of noble birth.[22] More specifically, a large number of qualities expected in an ideal ruler are enumerated in 6.1.2-6. These include *ābhigāmikāḥ guṇāḥ*, qualities that inspire confidence in others and make the ruler easily approachable, such as nobility of birth, piety, truthfulness and so on, *prajñāguṇāḥ*, qualities of the intellect, such as ability to understand, to think and so on, and *utsāhaguṇāḥ*, qualities like bravery, quickness of decision, strength of mind and so on. All these together constitute *svāmisaṁpad*, that is, qualities that make an excellent ruler. Besides, personal qualities like eloquence, boldness, memory etc. are called *ātmasaṁpad*, which apparently are not essential for rulership as such. The list of qualities is quite exhaustive and, as Hillebrandt says, 'not free from romantic idealism.'[23]

A ruler born with all these qualities must indeed be rare. Training (*vinaya*) of the ruler is, therefore, regarded as quite essential. The most important aspect of the training is the study of various branches of learning. The study of Ānvīkṣikī or the philosophical disciplines, Trayī or the Vedic lore, Vārttā or the economic sciences and Daṇḍanīti or the political science, is insisted on by Kauṭilya himself against the opinion of the earlier schools who would drop one or more of these disciplines from the curriculum of the prince (Chapters 1.2-4). The study of Trayī is necessary for understanding the genesis of the *varṇa* and *āśrama* system and the need to safeguard it. The study of Vārttā

22 From the fact that in 8.2.22-25 Kauṭilya prefers a nobly born scion of the ruling family to an upstart who has seized the throne, Meyer concludes that these are the words of Cāṇakya who has fallen from the rains of favour to the gutter and who is now bitter against the low upstart whom he had helped to power. From the same statements Jolly draws the conclusion that the author could not have been the minister who had helped an upstart to power. This shows how untrustworthy such conclusions about the author can be. Probably the statements have nothing to do with any personal experience.

23 *Altindische Politik* (Jena, 1923), p. 68.

would enable the ruler to understand and regulate the economic life of the state. The study of Daṇḍanīti is necessary for maintaining peace and order in the realm so that wealth and prosperity may increase. Finally, the study of Ānvīkṣikī is necessary as it sharpens the intellect, enabling the ruler to distinguish right from wrong and to gain equanimity and an equable temper. Kauṭilya seems to attach the highest importance to the study of Ānvīkṣikī, represented by the three philosophical systems of Sāṁkhya, Yoga and Lokāyata. Philosophy, he says, throws light on all other branches of learning, giving them their significance, and it provides a rational basis for all actions and duties (1.2.12). That Ānvīkṣikī is not Tarkavidyā or the science of reasoning has already been indicated.[24]

The mention of the system of the Lokāyatas along with and on the same footing as the systems of Sāṁkhya and Yoga indicates that this purely materialistic and hedonistic system of thought was not treated, in the author's day, with the ridicule and contempt with which it was treated in later times. According to the commentators, the system was founded by Bṛhaspati. It is not certain if this Bṛhaspati is to be identified with the supposed founder of the Bārhaspatya school of Arthaśāstra. In any case, since Lokāyata is placed on par with Sāṁkhya and Yoga, it can hardly be understood as used " only in the sense of logic, based on premises derived from ordinary experience (*loka*)," as Kane says.[25]

The requirement that the ruler should be trained in philosophy is, of course, not the same thing as Plato's plea that philosophers should be kings. But the recommendation that philosophy should be a part of the ruler's training was no mere pious hope of the śāstra. History shows many examples of kings who were deeply learned. Referring to some Upaniṣadic kings, Hillebrandt says, " The emphasis on the necessity of philosophical study is no theoretical requirement of the text-books. We must free ourselves from the idea that the destiny of India lay only in the hands of voluptuous and indolent tyrants and substitute for it a picture derived from historical examples that the rulers of India stood on a higher rung of contemporary culture."[26]

Acquisition of learning is, however, not enough for the ruler. He must be able to exercise control over his senses (*indriyajaya*), and keep such passions as lust, anger, avarice, pride and so on in check (1.6). It is also considered essential that he should avoid addiction to vices. Seven *vyasanas* or vices, three arising from a wrathful temper and four originating in lust are mentioned and their relative

24 See pp. 99-100 above.
25 HD, III, p. 47.
26 *Altindische Politik*, pp. 62-63.

seriousness discussed at length (8.3). It is declared that a *vyasana* prevents him from realising his own highest good (*vyasyati enaṁ śreyasaḥ*, 8.1.4).

This does not mean, however, that the ruler is expected to lead the life of an ascetic or a saint. There is an interesting discussion on how the ruler should adjust his conduct in respect of the three goals of *dharma*, *artha* and *kāma* (1.7.3-7). One view is that he should enjoy *kāma* or a life of sensual pleasures in such a way that thereby his *dharma* and *artha* are not affected adversely. According to another view, all three should be cared for in an equal measure. Finally, Kauṭilya's own opinion is stated that the ruler should regard *artha* alone as supreme, since the other two are dependent on it. It is clear that while the first two views are applicable to any individual, not the ruler alone, the final view takes into account the special position of the ruler and his responsibility to ensure material prosperity not only for himself, but also for the subjects.

Many scholars seem to have got the impression that there is a difference in outlook between the Rājadharma sections of the Smṛtis and the *Arthaśāstra* in the matter of the duties laid down for the king. It has been asserted, e.g., "Since *Rājadharma* (in Smṛti) is equivalent to the whole duty of the king, its rules are determined by the ideal of the highest good of this individual. The *Arthaśāstra*, on the other hand, has avowedly for its end the security and prosperity of the state. Accordingly, its rules of kingly conduct are determined primarily with reference to the interests of the state alone."[27] There seems little justification for such a distinction. The ideal of the highest good of the king as an individual is not something unknown to this text. It says, for example, "The king, ensuring the observance of his own duty by everyone, obtains happiness in this world and in the next." (1.3.16) or "The observance of his own duty by the king leads to heaven" (3.1.41). On the other hand, the duties of the king as laid down in the Smṛtis do not in any way differ from what we find in this text. The *Manusmṛti*, for example, the foremost among Smṛtis that deal with Rājadharmas at length, does so in 226 ślokas in Chapter 7. Except for 9 out of the 226 ślokas, the Chapter deals only with the king's duty vis-a-vis the state and not in his personal capacity. Thus we have mention of the king's duty to protect (śloka 2), his divine origin (3-13), the creation of *daṇḍa* for his use (14-32), his duty to maintain the *varṇas* and *āśramas* (35), the training of the king (37-43), the need to control the senses and avoid vices (44-53), the appointment of ministers and others (54-68), choice of territory, fort, palace, queen, purohita

27 U. N. Ghoshal, *A History of Hindu Political Theories*, p. 81; also the revised version *A History of Indian Political Ideas* (Bombay, 1959), p. 82.

etc. (69-78), warfare (87-98), obtaining new gains etc. (99-101), the use of *upāyas* (102-109), treatment of the subjects (110-112), administrative matters (113-126), taxes (127-139), secret counsel (146ff.), foreign affairs (155-180), expeditions of conquest (181-200), winning over of a conquered territory (201-205), foreign affairs again (206-215), and the daily routine of the king (216-226). And all this is treated in the same manner and with the same outlook as the *Arthaśāstra*. The only places where Manu may be said to have the highest good of the king as an individual in view are ślokas 32-34 : "The fame of the king behaving justly spreads, that of one behaving unjustly contracts" etc.; 79 : "He should perform sacrifices and give gifts to Brahmins" and 82-86 (where gifts to Brahmins are extolled). But even these ideas, except perhaps the homily on gifts to Brahmins, are not unknown to the *Arthdśāstra*. It, too, refers to the king finding happiness in this world and the next, it also insists on a life of virtue and piety by the king (1.3.16, 1.19.17,23 etc.). It is, therefore, hardly possible to maintain that the Smrtis have a different outlook on this question.

In the course of the discussion on the relative importance of the king and the minister, Kauṭilya refers to duties which devolve on the king himself. He is the one who appoints or removes ministers, who assigns tasks to them, who sees to it that none of the *prakṛtis* suffers from a drawback or defect and who honours or punishes according to deserts. It is the king who sets the tone to the whole administration. As he is, so do the other *prakṛtis* become. For he is the head of the state (8.1.13-18). The supremacy of the ruler is brought out in the clearest possible terms.

But no ruler, however competent or powerful, can run the state single-handed. Says the text, " One wheel (alone) does not turn (and keep the cart in motion)" (1.7.9). He is to have help-mates in his task. The most important of these are, of course, the ministers, constituting the second *prakṛti* called *amātya*. There is, however, one dignitary, the purohita, who apparently is not a part of the actual administrative machinery, but who occupies a very important position in the counsels of the king. It is said, indeed, that the king should be guided by the purohita as a pupil is by his teacher or a son by his father or a servant by his master (1.9.10). It is added that *kṣatra*, i.e. royal power, prospers only if supported by the power of the Brahmin (1.9.11). This idea is very old. But though the purohita in practice must have wielded great influence over the king and, through him, over the administration, he does not seem to occupy any position in the administrative set-up. It is no doubt required that he should be well-versed in Daṇḍanīti. But it is not even certain that he is included in the council of ministers with whom the king is to hold secret consultations. So far as can be

made out, his official functions seem restricted to the sphere of religious and allied ritual.[28] Only when the king looks into the affairs of learned men and ascetics is the presence of the purohita by his side considered essential (1.19.31). In any case, the purohita was no representative of any organised church, claiming an authority superior to that of the secular power. There was in India little scope for a clash between the church and the state such as is found in the history of the West. The purohita was appointed by the king, and his dismissal (1.10.2) as well as punishment by the king (9.3.14) are regarded as quite conceivable in the text.

Constitutionally, the state functionary next in importance to the king is the *amātya* or the *mantrin*. There is some confusion in the use of these two terms.[29] The name of the second *prakṛti* is *amātya*; this term appears to stand for all high officers, whether councillors or executive heads of departments. For, the functions of the *amātya* are stated to be: *mantra*, consultations, *karmānuṣṭhāna*, execution of undertakings, *daṇḍapraṇayana*, infliction of punishment *śūnyaniveśopacayau*, settlement and development of new territories, *daṇḍakarānugraha*, recovery of fines and taxes and so on (8.1.8,23). In a few places in the text, however, *amātya* seems restricted to the chief minister, who is in charge of the entire administration and is in fact in a position to be a king-maker, as in Chapter 5.6. Such an *amātya* is evidently the same as the *mantrin*, who is the most prominent dignitary in the state, as in 9.3.12-13 and other places. But in other places, *amātya* appears in a lower category than *mantrin*. Persons with only partial qualifications should, it is said, be appointed as *amātyas*, but not as *mantrins* (1.8.29). Similarly, only those who come out successfully of all the four secret tests are to be appointed as *mantrins*, while those who pass only a smaller number of tests are to be appointed to offices apparently held only by *amātyas*, such as *dharmastha*, *pradeṣṭṛ* and so on (1.10.13-14). In such cases, *mantrin* stands for councillors with whom the king is to hold secret consultations, while *amātya* refers to executive officers in general. It is possible that the *amātya* (from *amā*, together, by the side of) was originally the ruler's personal companion and was not formally connected with state administration, though in importance next only to the king. The *mantrin* seems to have been primarily a counsellor (from *mantra*, counsel), who, because of his training and knowledge, could give expert advice on state affairs. In this capacity he seems to have early taken over the work of actual administration. When that

28 Cf. "The political power of the purohita was purely individual and had its source wholly and solely in the personal influence which he obtained over the king through his function as sacrificer and magician." (R. Fick, *Die Sociale Gliederung* etc., English translation by S. K. Maitra, Calcutta, 1920, p. 175).

29 Cf. F.Wilhelm, *Politische Polemiken* etc., pp. 6-7.

happened, the term *amātya* seems to have lost its primacy and come to designate officers other than the *mantrin*. The confusion in the use of the two terms may be due to the circumstance that the text has preserved the terminology of its sources, probably representing different stages in this process of development.

The most important function of the *mantrin* is to give advice to the ruler. At the end of a fairly long discussion Kauṭilya asserts that the king should appoint three or four counsellors, neither more nor less. It is argued that a single *mantrin* would be difficult to control, two might quarrel and ruin the state or conspire against the king. At the same time, a larger number would affect the secrecy of counsel, on which naturally great stress is laid (1.15.34-40). The three or four *mantrins* form a consultative body and the secret consultation is to be about undertakings that may have to be carried out. A *mantra* is said to be *pañcāṅga*, i.e., it discusses an undertaking in its five-fold aspect: (1) ways and means of starting an undertaking, (2) resources in men and materials necessary for it, (3) place and time of its execution, (4) forestalling obstacles and (5) its successful accomplishment (1.15.42). The temptation to find in the three or four *mantrins* a cabinet as it functions in a limited monarchy in the modern days must be resisted. The king is supreme in the matter of arriving at decisions. For, it is stated that according to circumstances the king may hold consultations with one *mantrin* or with two or even with none at all, taking a decision all by himself (1.15.41). Moreover, the king is advised to seek their opinions singly as well as jointly, trying to fathom the motives that may have impelled them to express divergent opinions (1.15.43-44). There can thus be no question of a cabinet armed with powers to enforce its decision on the king.

Apart from the three or four *mantrins*, there is to be a *mantripariṣad*, which, according to the earlier schools, is to have twelve, sixteen or twenty members, but which, in the opinion of Kauṭilya, should have no fixed number. That, he says, should depend on the size and power of the state (1.15.47-50). The functions of the *pariṣad* are declared to be: (1) starting work on a new undertaking, (2) continuing an undertaking already begun, (3) improving a work, and (4) implementation of orders issued (1.15.52). This implies that the *mantripariṣad* is a council of heads of departments concerned with the execution of decisions made by the king. The *mantripariṣad*, it seems, is also expected to keep a watch on those who may not be loyal to the king (1.15.51). It is added that in urgent matters both the *mantrins* as well as the *mantripariṣad* should be summoned for consultation. In connection with this meeting, it is stated that the king should follow the course of conduct that is recommended by the majority or that is

capable of leading to the achievement of the object (1.15.58-59).[30] From this K. P. Jayaswal has inferred that the king is not given even the power of vetoing.[31] There is little justification for such a conclusion. It is quite clear from the sūtra that if the king thinks that the majority view is not likely to help him achieve his object, he is free to reject it and follow a course that would help him to achieve it. And the *mantripariṣad* is neither a cabinet in a constitutional monarchy nor a sovereign parliament. The *mantripariṣad* is also not similar to the Privy Council of Great Britain as R. C. Majumdar thinks.[32] Its functions, as mentioned in 1.15.52, are entirely different.

K. P. Jayaswal has tried to show that the *Arthaśāstra* proves the existence of what he calls the Paura and the Jānapada, i.e., Assemblies of the Capital and of the Realm respectively. These, according to him, effectively limited the power of the king, and in fact corresponded to the parliament of modern times. He thinks that the *Arthaśāstra*, too, visualises a monarchy of the type that obtains in present day Britain.[33] It must be submitted that the evidence from this text does not support such a thesis at all. We no doubt find the words *paura* and *jānapada* used in a number of places in the text. But where they are joined in a compound, the expression is invariably used in the plural, conveying only the idea of ' citizens and country people '. If anything like the Paura Assembly and the Jānapada Assembly had been thought of anywhere, the expression would have been used in the dual or at most in the collective singular. That is nowhere the case in the entire text.

Far more important, however, is the interpretation put by Jayaswal on the passages where the expression occurs. The passages cannot yield the meaning that he finds in them. For example, *sauvarṇikaḥ paurajānapadānāṁ rūpyasuvarṇam āveśanibhiḥ kārayet* (2.14.1) means, according to him, that the Paura and Jānapada Assemblies should get their own gold coins minted at the royal mint.[34] The passage, however, really means, " The royal goldsmith (*sauvarṇikaḥ*) should get silver and gold articles of the citizens and the country people manufactured by workmen." The entire Chapter 2.14 is concerned with the manufacture of silver and gold articles in the state workshop. The *sauvarṇika* is in charge of this workshop. He is not connected with the minting of coins. That is the concern of the *lakṣaṇādhyakṣa*. The minting of coins by the latter is described in 2.12.24. Again, *rūpya* is ' silver ' and does

30 तत्र यद्भूयिष्ठा ब्रूयुः कार्यसिद्धिकरं वा तत्कुर्यात् । KA, 1.15.59.

31 HP, II, p. 118 ; cf. also R. C. Majumdar, *Corporate Life in Ancient India*, p. 130.

32 *Corporate Life* etc., pp. 126-127.

33 HP, II, pp. 60ff.

34 *Ibid.*, p. 76.

not mean 'a coin', for which the word is *rūpa*. The text does not mention a gold coin anywhere; it knows only silver and copper coins. Besides, though *suvarṇa* means 'gold', *rūpyasuvarṇa* cannot mean 'a gold coin' in view of the position of *suvarṇa* in the compound; the singular of *rūpyasuvarṇam* would also appear strange, if coins were really meant. Moreover, what is one to understand by the supposed Assemblies getting coins minted for themselves? These, according to Jayaswal himself, are legislating or deliberating bodies. Even if they had the power of the purse, as he would have us believe, it is difficult to see why they should have coins of their own, apart from the state coins manufactured by the *lakṣaṇādhyakṣa*.

Jayaswal has similarly misunderstood *paurajānapadān bhikṣeta* in 5.2.33, which, according to him, means that the king should submit proposals (for increase in revenue) to the Paura and Jānapada Assemblies.[35] The entire passage from sūtras 31 to 34 shows that it is concerned with demands for contributions by citizens and country people, when the treasury needs replenishment. The *samāhartṛ* is to open a subscription list for some specific work (*samahartā kāryam apadiśya paurajānapadān bhikṣeta*). Secret agents are to put a high figure of contribution against their own names (*yogapuruṣāś ca pūrvam atimātraṁ dadyuḥ*). Referring to these high figures, the king is to ask for corresponding contributions from the citizens and the country people, that is, from the rich and prosperous among them (*etena pradeśena rājā paurajānapadān bhikṣeta*). If anyone were to contribute less than what was expected of him, he is to be run down by secret agents (*kāpaṭikāś caināн alpaṁ prayacchataḥ kutsayeyuḥ*). There is no question here of approaching any assembly for sanction of increase in taxation or anything like that.

An extremely strange interpretation is put by Jayaswal on the words *bahulībhūte tīkṣṇāḥ paurān niśāsvāhārayeyuḥ mukhyāṁś cābhihanyuḥ* in 12.2.26. He translates: "When the Pauras held a general meeting to give their votes on the subject, the leaders were to be done away with at night secretly."[36] Now, the passage in question occurs in the following context. The weak king, who is facing an attack by a stronger king, is advised to create trouble in the latter's kingdom so that he might return home for overcoming that trouble and the impending attack by him might be averted. One way of creating trouble is this: secret agents, who have already won the confidence of the *śūnyapāla* or regent in the stronger king's territory, are to spread reports among the people 'out of freindship for them' that the regent was heard to have told soldiers and officers "The king (who is away for

35 *Ibid.*, p. 88.
36 *Ibid.*, pp. 88-89 and n.

attacking the weak king) is in great danger and may not return alive; seize whatever you can and get rid of your foes." After this, the text continues, "When these reports have spread widely (*bahulībhūte*), bravoes (in the weak king's employ) should have the citizens robbed at night (*tīkṣṇāḥ paurān niśāsu āhārayeyuḥ*) and assassinate the principal citizens (*mukhyāṁś cābhihanyuḥ*), saying at the time of the assassination, 'thus are those dealt with who do not obey the regent (*evaṁ kriyante ye śūnyapālasya na śuśrūṣante iti*).'" This last declaration is intended to implicate the regent in the murders. There is here no meeting of any assembly, no subject for discussion, no voting, nothing, in fact, of what Jayaswal reads in the passage.

Similarly, it is impossible to accept Jayaswal's interpretation of *paurajānapadānāṁ kāryāṇi* in 1.19.10 as 'matters referred to the king by Paura and Jānapada Assemblies.'[37] The expression simply means 'the affairs of the citizens and the country people.' Throughout this Chapter, 1.19, the word *kārya* refers to matters brought before the king by the subjects for redress, as is quite clear from *strīṇāṁ ca kāryāṇi* (sūtra 29), *kāryaṁ vaidyatapasvinām* (31), *tapasvināṁ tu kāryāṇi* (32), *kāryārthinām* (26) and so on.

In the expression *tīrthasabhāśālāpūgajanasamavāyeṣu* (1.13.2) Jayaswal finds (1) the sectional sub-assembly of the Paura in charge of the sacred places and public buildings (*tīrthasabhāśālāsamavāya*), (2) the sub-assembly in charge of trades and manufactures (*pūgasamavāya*), and (3) the popular assembly (*janasamavāya*).[38] Such an interpretation is quite unlikely. The passage in question refers to secret agents going to gatherings of people (*janasamavāya*) at a *tīrtha* or sacred place, in a *sabhā* (or a *sālā*) or a *pūga*, and there carrying on a disputation among themselves, one of them running down the king for his oppressive taxes and fines and the other defending the king. The purpose of the disputation is to find out who among the people are contented with the ruler and who are not. It is difficult to see what the sub-assemblies thought of by Jayaswal have to do with all this. The *sattrins* or secret agents would hardly have occasion for such a disputation in any sub-assembly of this sort.

Similarly, the attempt to show that *deśasaṁgha*, supposed to be referred to in *deśajātikulasaṁghānāṁ samayasya anapākarma* (3.10.45) and in *deśagrāmajātisaṁghamukhyeṣu* (13.5.9) corresponds to the so-called Jānapada Assembly[39] must also be regarded as unsuccessful. In both places, *saṁgha* is a separate category and not to be construed with the preceding words in the compound, as is clearly shown by

37 *Ibid.*, p. 95.
38 *Ibid.*, p. 84.
39 *Ibid.*, pp. 65-67.

deśasya, jātyāḥ, saṁghasya and *grāmasya* used separately in 3.7.40. It is also hardly accurate to render *samaya* in 3.10.45 by 'a law or a resolution agreed upon in an assebmly.'[40] In that section, *samaya* is an agreement voluntarily entered into by one person with another, the refusal to carry it out constituting the offence called *samayasya anapākarma*. The word also refers to agreements in the sense of customs which become binding on a person by the fact of his being a member of a *jāti, kula, grāma, deśa* or *saṁgha*. It is these agreements to which a person is not voluntarily a party but which are nonetheless binding on him that are referred to in 3.10.45. There is no question of an assembly passing any law or resolution.[41]

And if the *Arthaśāstra* had really contemplated the creation of any such assemblies, it would have referred to them more directly and would have also given some indication about their constitution, the method of their functioning and so on. A number of questions arise if their existence is assumed. How were the two Assemblies formed? Were representatives elected to them or did the whole body of citizens in the one case and all the people in the country in the other form the two Assemblies? What could have been the basis of representation and the mode of election in the former case? In the latter case, where and how could the entire body of citizens or all the people in the countryside have met? What could the relation between the two Assemblies have been like? What happened if the two Assemblies held different views or, as Jayaswal would say, passed conflicting resolutions? And what could have been the relation between these Assemblies on the one hand and the *mantrins* and the *mantripariṣad* on the other? To such questions, which inevitably arise, there is no answer. The idea of a sovereign parliament must therefore be regarded as something unknown to the *Arthaśāstra*. We have the *mantrins* and the *mantripariṣad* and nothing more.

D. D. Kosambi has expressed the opinion that Paura and Jānapada represent the upper class, Paura being 'propertied citizens who had a strong following (presumably from tribal splinters).' These, according to him, 'enjoyed a special position with respect to the state.'[42] The Jānapada magnate, he thinks, was 'the head of a patriarchal family group into which the tribe had split up to form the *rāṣṭra* territory.'[43] It is, of course, undeniable that there were propertied citizens and mag-

40 *Ibid.*, p. 106.

41 For a consideration of Jayaswal's arguments based on the use of these words in other texts, cf. A. S. Altekar, *The State and Government in Ancient India* (Banaras, 1955), pp. 136-146; also N. N. Law, IHQ, II (1926), pp. 385-407 and 638-650.

42 *An Introduction to the Study of Indian History* (Bombay, 1956), p. 212.

43 *Ibid.*, p. 214.

nates at the head of patriarchal families. But it is extremely doubtful if the words *paura* and *jānapada* as they are used in this text refer to such upper classes only. In the nearly a dozen and a half places in the text where these words occur they convey only the usual sense of 'a city-dweller' and 'a resident of the countryside' respectively, without any suggestion of their social or financial status. We may refer to *paurajānapadānāṁ kāryāṇi* (1.19.10), *paurajānapadānāṁ darśayet* (4.5.13), *śodhayeyuḥ paurajānapadān damaiḥ* (4.9.28) and so on by way of illustration. In 1.13.1 we have *paurajānapadān apasarpayet* which refers to the employment of spies in order to find out the feelings of the citizens and the country people towards the ruler. The Chapter first mentions the *kṣudrakas* among them (sūtras 1-14) and then turns to the *pradhānas*. The former are the common people or the masses and the latter refer to the principal citizens and country people, including in particular the high officers of the state, as is shown by sūtra 1.13.15. The *pradhānas* or the *mukhyas*, as they are also called, are no doubt distinguished from the common people; but it is not they alone who are meant by *paura* and *jānapada*. If in connection with the making of gold and silver articles (2.14.1) or contributions demanded in times of emergency (5.2.31ff.) we have to think primarily of rich persons, that is only natural in the circumstances. But no upper class as distinguished from the common people is meant even here. Again, in 8.1.24-32, where *pauras* are compared with *jānapadas*, it is not the upper classes alone who are thought of, but all the residents in the capital and the countryside respectively.

It is still more difficult to see what 'special position with respect to the state' was enjoyed by the supposed upper class of Paura. What privileges might have been enjoyed by individuals may be said to be due to their wealth or their position. It cannot be said, on the evidence of this text, that they enjoyed the privileges because they formed a special class, called Paura or Jānapada. The *kṣudrakas* were as much *paura* or *jānapada* as the *pradhānas*. And as regards the *pradhānas* or the *mukhyas*, who may be supposed to belong to the upper privileged class, it is not quite certain that they formed a hereditary class. In fact there is no evidence in the text of a hereditary nobility, resident either in the capital or in the countryside.

There is thus no reason to doubt that there is no constitutional check thought of in this text on the absolute power of the monarch. What checks are thought of are indirect. In the first place, his entire training, particularly in Daṇḍanīti, is expected to impress on him the fact that it is in his own interest to make use of his power with judiciousness. The fact that he would be brought up to regard the Vedic way of life as sacred and the performance of his own duties in

accordance with that scheme of life as a means of achieving spiritual ends would also serve to make him behave with moderation. The purohita would constantly be reminding him of this duty, and that would be a sort of a check, though the purohita has no power to enforce his will on the ruler. It is stated in the text that the ruler should set up preceptors or ministers as the bounds of proper conduct for himself and that they should restrain him when he is engaged in something harmful and should remind him of his duties when he is going astray (1.7.8). But even this would be no constitutional check. It would be a sort of moral pressure, useful so long as the ruler has feelings of regard for these persons. Perhaps the most effective check on the ruler's behaviour is likely to be the fear of losing his throne. Oppressive rule is bound to lead to discontent among the subjects who might, if unable to bear oppression any more, rise in revolt against him and bring about his downfall.

Monarchy is hereditary and Kauṭilya specifically expresses himself in favour of rulership continuing in the same family. He rejects as unrighteous and fraught with danger the course recommended by Bhāradvāja that the minister should not hesitate to grab the kingdom if an opportunity were to present itself (5.6.24-32). His own view is that in an emergency caused by the ruling monarch's sudden illness or death the minister must do everything in his power to ensure the continuity of rule in the same dynasty. If there is a prince of the family properly trained, he should of course be invested with ruling powers. In case there is no such prince, the minister is advised to invest with authority a princess or a widow of the late ruler if she is enceinte at the time. In the case of the princess, however, it is laid down that a son should be begotten on her and he should be crowned in due course. The princess is evidently not to succeed in her own right, just as the widow is to wield authority only till a son is born to her and is duly crowned. What is more, after a son is begotten on her, the princess is not to be allowed to have another child, and in order that she may not entertain unwelcome thoughts a person from the family is to be her constant companion. Apparently, the princess, if she wants her son to succeed to the throne, has to give up thoughts of marriage. The reason probably is the fear that her husband may seize the throne and rulership may pass into another family (5.6.34-42).

In normal circumstances, the eldest son, it is said, should succeed to the throne (1.17.52). If, however, the monarch has an only son and that son is disaffected or dangerous, it is recommended that he may be placed in confinement or sent into exile. If found totally unfit, he may be passed over and succession fixed on that son's son

or even on an appointed daughter's son. In the last resort, a son may be begotten on the queen by *niyoga* (1.17.40-42,48-50). Great stress is laid on the worthiness of the prince. Only a prince endowed with the requisite qualities is to be crowned as the *yuvarāja* and an untrained prince is not to be placed on the throne (1.17.43,51).

The question of the treatment to be meted out to the prince who may prove a source of danger to the monarch himself is discussed at some length. Many of the earlier teachers had suggested some queer remedies, including murder at birth, for keeping the prince in check. Kauṭilya himself recommends that attention should rather be paid to the proper upbringing of the prince right from the time of his birth. If he were to show a tendency to be addicted to any vice, efforts should be made through trusted servants to cure him of it (1.17.22-39).

At the same time the text takes into consideration the possibility that a prince may be in disfavour with the monarch for no fault of his own. The monarch may be partial to another son or may wish to supersede his legitimate claim to the throne. In such a case, the prince in disfavour (*aparuddha*) is advised to humour the monarch and to try to win his favour as far as it may be possible. If he finds that impossible, he may seek shelter with a neighbouring prince and collect forces to seize the father's kingdom. Among ways recommended for seizing the throne is one in which the prince is to obtain entry in the king's bed-chamber in some disguise and to assassinate him. Parricide in certain circumstances is thus not ruled out in the theory of the *Arthaśāstra*, just as on the other hand the monarch also is allowed to get rid of a totally unworthy prince in the same manner (1.18).

Apart from a refractory prince, the monarch may have to face dangers from other sources. A disgruntled or ambitious minister or other officer may conspire to oust the ruler and establish himself on the throne. The problem of conspiracies against the ruler by high dignitaries of the state is discussed at great length and measures are recommended for putting them down (Chapters 9.3 and 9.5). The conspiracy against the ruler may be hatched by the crown-prince or the commander-in-chief or the minister or the purohita. And these may seek aid from and join forces with other disgruntled officers or even enemies. It is characteristic of this text that it tenders advice in these Chapters to the likely conspirators as well. It analyses at length the motives that are likely to make officers think of joining a conspiracy against the ruler, and it explains how one may join a conspiracy or refuse to do so after carefully probing the veiled motives that may have inspired the other conspirators. This does not mean that the text recommends conspiracies against the ruler. It only

points out how, when a conspiracy is hatched, those concerned should be careful to safeguard their own interests.

All attempts to oust the ruler, whether by conspiring officers or by the subjects rising in rebellion against oppression, imply only the substitution of one ruler by another, and at most a change of dynasty. The form of government would remain the same even after the attempt has succeeded. Sovereignty is not intended to be transferred to a council of noblemen in a sort of aristocracy or to representatives of the people in a sort of democracy.

CHAPTER SIX

SOCIETY AND SOCIAL LIFE

THE *Arthaśāstra* is a text on political science and is not primarily concerned with society and its organisation. Nevertheless, it cannot avoid a reference to the social order and life prevailing in society; for, political life has no existence outside of society. The śāstra, no doubt, does not lay down rules in social matters as it does in political matters ; yet it was bound to take notice of the facts of social life as it found them. And though much theory is mixed up in the references to social organisation, one may still regard the social life reflected in the work as throwing light on the conditions that actually prevailed when it was composed.

As we have seen, the ruler, that is the state, is required to safeguard the social order based on the *varṇa* and *āśrama* system.[1] This order is believed to be prescribed in the Vedas and as such thought of as divinely ordained and immutable. The state had no hand in its creation, nor has it the right to try to modify it. The duty of the state is only to preserve this order and not allow it to be disturbed in any way. In this respect the standpoint of the *Arthaśāstra* in no way differs from that of Dharmaśāstra.

The text describes the specific duties of each of the four *varṇas* practically in the same words as the Smṛtis (1.3.5-8). However, it does not prescribe for the Śūdra only the duty of the service of the twice-born, particularly Brahmins, as Manu, for example, does in 9.334-335. His *svadharma* also includes Vārttā and *kārukuśīlavakarma* (1.3.8). In Vārttā, which is prescribed for the Vaiśya also, the Śūdra may be supposed to be subordinate to him as an agricultural labourer, a herdsman or a trader's servant. The arts and crafts, however, appear to be exclusively practised by the Śūdra alone. This appears to be more in consonance with the actual state of things than the views of a Smṛti writer like Manu.

It is also remarkable that the text refers to troops recruited from all the four *varṇas*. The earlier teachers had expressed themselves in favour of a Brahmin army as being the best because of the high spirit possessed by them. Kauṭilya, rejecting this view, shows his preference for a well-trained Kṣatriya army or a strong Vaiśya and Śūdra army (9.2.21-24). There seems little doubt that not all fighters

1 See p. 119 above.

belonged to the Kṣatriya *varṇa*, and that when large forces were required recruitment from the Śūdra masses was quite common. The Smṛtis, again, do not visualise any such possibility.

Still more significant is the fact that the *Arthaśāstra* would look upon the Śūdra as an Ārya community, which is distinguished from Mleccha or non-Aryan communities. The text forbids the sale or pledging of a minor belonging to any of the four *varṇas*, adding that the Mlecchas may sell or pledge their children, but that no Ārya shall be made a *dāsa*.[2] The inclusion of the Śūdra among Āryas is not in conformity with the general standpoint of the Vedic texts. It may be that this is an attempt, in the *Arthaśāstra*, to assimilate the masses of settled communities in the Aryan fold. This attempt seems ignored by the Dharmaśāstra texts, which, as a rule, are intolerant of everything that does not strictly conform to Aryan beliefs and practices.

The pre-eminent position of the Brahmin in the *varṇa* system is, of course, self-evident. But the text does not harp on it in season and out as do Smṛtis like that of Manu, nor does it explicitly declare the Brahmin to be above the law or independent of the state and its authority. Nevertheless, special privileges are intended for him, particularly for a Śrotriya, that is, a Brahmin learned in the Vedas. It is recommended, for example, that land free from taxes and fines should be granted to a Śrotriya, just as such lands are to be granted to the priests and preceptors of the ruler (2.1.7). It is also laid down that the property of a Śrotriya, even when he dies without an heir, cannot escheat to the state like the property of other citizens (3.5.28). Brahmins in general are, it seems, to be exempted from payment at ferries and pickets (3.20.14). In many cases, punishment for offences is made dependent on the *varṇa* of the offender. In cases of abuse, defamation, assault etc., an ascending scale of fines is prescribed in accordance with the offender's *varṇa* (Chapters 3.18 and 3.19). However, for the offence of selling or pledging a minor, the scale is reversed, the highest fine being that for a Brahmin offender (3.13.1). Discrimination on the basis of *varṇa* is referred to in connection with the oath to be administered to witnesses (3.11.34-37), in the matter of inheritance by sons born of wives belonging to different *varṇas* (3.6.17-20) and so on. Again, the *varṇas* are to occupy different residential areas in the city, the Brahmins in the north, the Kṣatriyas in the east and so on (2.4.9-15). It is also laid down that in social matters seniority shall be fixed from the Brahmin downwards. And the Brahmin is declared to be free to refuse contributions to common festivals and yet entitled

2 आर्यप्राणमप्राप्तव्यवहारं शूद्रं विक्रयाधानं नयतः स्वजनस्य द्वादशपणो दण्डः . . . न त्वेवार्यस्य दासभावः । KA, 3.13.1-4..

to take full part in them (3.10.43-44). There can be no doubt about the high status enjoyed by the Brahmin as such, or about the privileges and concessions reserved for him.

As a result of the special position occupied by the Brahmin in society, his influence on state activity must have been very great. It may be assumed that the advisers of the ruler must have largely come from this class. Apart from the purohita, who normally may be supposed to exercise a powerful influence on the ruler, most of the mantrins if not all were also probably drawn from this class. That ambassadors (*dūtas*) were as a rule Brahmins may be inferred from the remark which an ambassador threatened with seizure by the enemy is expected to make : " Even the lowest-born among ambassadors must not be killed, what to speak then of Brahmins ? "[3] Though, in theory, the ruler was not bound to follow the advice of the purohita or the mantrins, their influence on the administration of the state and on state activity must have been very great.

The influence of the Brahmin class on the general social life was of a peculiar sort. He had a monopoly of imparting education, which in theory as well as in practice was not available to the great mass of Śūdras. All learning and knowledge was thus concentrated in his hands. He had also a monopoly of priestcraft. The religious life of the community was under his control. With the intellectual leadership of the community and the control of its religious life in its hands, the priestly class exercised a powerful influence on social life. It was not necessary for it to organise itself into a church as elsewhere, for membership of the class was by birth. This position of pre-eminence and influence seems to have been assured for this *varṇa* from the earliest times. It was not challenged seriously at any time because the other *varṇas* too had come to regard the *varṇa* system as not only natural but as divinely ordained. Such a reconciliation to one's lot, however humble it may be, was easy because of unquestioned belief in the theory of karma and re-birth.[4] As the *Arthaśāstra* says : " The observance of one's own *dharma* leads to heaven and to immortality."[5] Such a hold on the spirit and the mind of vast communities by a small hereditary class is probably unique.

It cannot be denied that a rational justification of hereditary class privileges is not possible and that " every effort in this direction must

3 . . .यथोक्तं वक्तारो दूताः। तेषामन्तावसायिनोऽप्यवध्याः, किमङ्ग पुनर्ब्राह्मणाः। KA, 1.16.14-15.

4 Cf. " The doctrine of karma and re-birth and the supposition of an unalterable social order are closely connected with each other. Both dogmas are deeply rooted in the consciousness of the Indian people."—Fick, *Die Sociale Gliederung* etc., English translation, p. 336.

5 स्वधर्मः स्वर्गायानन्त्याय च। KA, 1.3.14.

result in the dishonesties which have characterised the self-defence of privileged classes."[6] All that one can say in extenuation is to add, with Niebuhr, "All societies of the past perpetrated and perpetuated social injustice without meeting significant resistance from those who were victimised by the social system."[7]

The theory of the four *varṇas*, though broadly true of ancient Indian society, has had to take into account forms of social organisation which had little relation to that system. There were numerous communities in society whose place in the scheme of four *varṇas* could not be easily determined. An attempt is made in the *Arthaśāstra* and the Smṛtis to bring them into some sort of relation with the *varṇa* system. This is done by inventing the theory of a mixing of *varṇas*. According to the *Arthaśāstra* (with which the *Manusmṛti* agrees in this respect, but not Yājñavalkya), the son of a Brahmin from a Kṣatriya woman and that of a Kṣatriya from a Vaiśya woman belong to their father's *varṇa*. A Vaiśya's son from a Śūdra woman is, however, a Śūdra. All other mixings of *varṇas* bring new communities into being. A Brahmin begets an Ambaṣṭha on a Vaiśya woman, a Pāraśava or a Niṣāda on a Śudra woman. A Kṣatriya begets an Ugra on a Śūdra woman, a Sūta on a Brahmin woman. A Vaiśya begets a Māgadha on a Kṣatriya woman, a Vaidehaka on a Brahmin woman. And a Śūdra begets an Āyogava on a Vaiśya woman, a Kṣatta on a Kṣatriya woman and a Caṇḍāla on a Brahmin woman. A further mixing of these communities is said to have brought into being other communities, namely, Kukkuṭa (offspring of an Ugra father and a Niṣāda mother), Pulkasa (Niṣāda father and Ugra mother), Vaiṇa (Ambaṣṭha father and Vaidehaka mother), Kuśīlava (Vaidehaka father and Ambaṣṭha mother), Śvapāka (Ugra father and Kṣatta mother) and so on (3.7.20-34).

This theory of the origin of these communities is of extremely doubtful validity. There seems little doubt that some of these communities, for example, the Niṣāda and the Caṇḍāla, are aboriginal communities. Others, like Ugra and Kṣatta, seem to have been warrior clans. Names like Māgadha and Vaidehaka contain an obvious reference to the region from which the communities came, whereas names like Vaiṇa, Kuśīlava, perhaps also Sūta, appear to be derived from the profession followed by the community. It is, therefore, hardly possible to believe that any of these communities really came into being as a result of mixed marriages among the four *varṇas*. To believe that, we would have to assume that inter-marriages among the four *varṇas*, not only in the *anuloma*, but also in the *pratiloma* way, were

6 R. Niebuhr, *Moral Man and Immoral Society* (New York, 1941), pp. 128-129.
7 *Ibid.*, p. 142.

quite common. Otherwise, it would be very difficult to explain the large number of Caṇḍāla, Vaidehaka, Sūta or other communities that are said to be the result of *pratiloma* unions. But if such inter-marriages are assumed to have been very common, that would mean that rules about marrying a girl of the same *varṇa*, which we find not only in the Smṛtis but also in the *Arthaśāstra* (1.3.9), were consistently ignored. In other words, we would have to believe that *varṇasaṁkara* or mixing of the *varṇas*, of which the theory shows such a pious horror, was in reality a fact of social life. Such a conclusion, however, is hardly acceptable. Evidence from all sources, Brahmanical, Buddhist and Jain, showing that marriages in the same *varṇa* were the rule and outside it only rare exceptions, is so overwhelming that marriages, say, between Brahmin girls and Śūdra boys on such a large scale as to bring into being the very numerous and widespread community of Caṇḍālas, are quite inconceivable. Illicit unions instead of marriages on this scale are, of course, still more inconceivable. It, therefore, appears clear that this theory of the origin of these communities is merely a fiction, apparently a legal fiction, invented to bring them into relation with the *varṇa* system, which alone was regarded as valid in law.

In connection with these so-called mixed communities we find the statement that all of them, with the exception of the Caṇḍālas, should observe the same *dharmas* as the Śūdra (3.7.37). This in effect gives them the status of the Śūdra. The exception made in the case of the Caṇḍāla definitely implies the lowest social status for him. But the specific *dharmas* of the Caṇḍāla are nowhere mentioned. It would seem, however, that they are regarded as being outside the pale of society. That they are unclean is implied in a passage of doubtful authenticity (3.19.10). However, it is stated in one place, by way of an illustration, that a well of the Caṇḍālas can be used only by the Caṇḍālas and by no one else (1.14.10). This clearly implies that they are outcasts, possibly also untouchables. Elsewhere a heavy fine is prescribed for a Caṇḍāla touching an Ārya woman (3.20.16). The offence meant seems, however, concerned with sex rather than with untouchability. In connection with adultery and other sex offences, the Śvapāka is referred to as the community outside the pale of Aryan society (4.13.34-35). These and probably other outcast communities seem referred to by the general name of *antāvasāyin* 'living at the end', beyond the pale of Aryan society. The *antāvasāyins* are mentioned beside the four *varṇas* in connection with the offence of defamation (3.18.7). If Brahmins are at one end of the social scale, the *antāvasāyins* are at the other end, and that term would clearly include Caṇḍāla, Śvapāka and other outcast communities. In the description of the layout of the city, the Caṇḍālas are allotted accommodation 'at the end of or near the

cremation-ground ' along with the *pāṣaṇḍas* or heretical monks.[8] The sūtra, however, does not appear to be authentic, for though such residential accommodation is quite conceivable so far as Caṇḍālas are concerned, it could not have been meant for the *pāṣaṇḍa* monks. For, the text elsewhere refers to *pāṣaṇḍas* staying in the city (3.16.32-33), in fact, to *pāṣaṇḍāvāsa* ' residences of heretical monks ' inside the city (*abhyantare*, 2.36.14).

Concerning the mixed communities it is laid down that each such community should be endogamous and should follow its own traditional profession and immemorial customs (3.7.36). It is further prescribed that the *dharma*, that is, the law of inheritance, which may be peculiar to any region or community or *saṁgha* or village, should be recognised and upheld (3.7.40). The word used here for community is *jāti*, which obviously implies membership by birth (from the root *jan*), and which clearly corresponds to what is known as caste. And endogamy and other features referred to in sūtra 3.7.36 are characteristic of caste. Elsewhere the text refers to *samaya*, i.e., customs peculiar to a *jāti* (3.10.45). There can be no doubt that caste as such is known to the *Arthaśāstra*. In a number of places it refers to experts whose services are required in the various technical departments of the state. The expression usually used in such a case is *tajjāta* ' one born to that (kind of work) ', as in 2.11.1, 2.12.1 and other places. This expression clearly implies the existence of different castes, each following a separate, fixed profession. We may, therefore, feel justified in looking upon Tantuvāya 'weaver', Rajaka 'washerman', Tunnavāya 'tailor', Suvarṇakāra 'goldsmith', Carmakāra 'leather-worker', Karmāra 'smith', Kuṭṭāka 'carpenter' and others mentioned in the text as names of castes which had their origin in the differentiation of professions.

D. A. Suleikin has expressed the view that castes became firmly formalized in India only in the period from the fourth to the ninth century A.D. Prior to this period, he says, one can only speak of social strata.[9] It is not possible to agree that the essential features of caste assumed a final form only so late as this. Apart from the list of numerous communities mentioned in the Yajurveda Saṁhitās in the section on Puruṣamedha, many of which have the appearance of castes, there is the passage from the *Majjhima Nikāya*, sutta 93, to which D. D. Kosambi has drawn attention. According to him, in that passage, which looks at Greek society through Indian eyes, the word *vaṇṇa*, that is, *varṇa* has to be understood in the same sense as caste,

8 पाषण्डचण्डालानां श्मशानान्ते वासः । KA, 2.4.23.

9 ' Osnovnie voprosi periodizatsii istorii drevneĭ Indii ' in *Indiiskii Svornik* (Moscow-Leningrad, 1949), pp. 177-192.

not in the sense of class.[10] Moreover, for the end of the fourth century B.C. the evidence of Megasthenes, which in this case cannot be lightly brushed aside, shows the existence of castes at that time. Breloer has drawn attention to the statements of Megasthenes that in India a man must not marry from another *gens* and that he is not allowed to change his profession or calling. These, as Breloer has rightly pointed out, are features that are characteristic of caste.[11] And in this case one cannot think of a possible transfer of ideas from some other country like Egypt or Persia to India; for these features did not quite manifest themselves in this form elsewhere.

Apart from these settled communities in towns and villages, the text refers to forest tribes, called Aṭavī or Āṭavika. It is stated that they are entrenched in jungle fastnesses and can be a source of great danger to the state. They are said to be well-organised and brave, practically autonomous and without any scruples in the matter of looting and killing (8.4.43). In fact, the danger to the state from forest tribes is declared to be only less serious than that from an enemy. A forest chieftain is often mentioned as one of those who are capable of seizing the throne from the ruler (1.10.3, 12.3.17 etc.). Nevertheless, troops recruited from forest tribes, that is, *aṭavībala,* form one of the six kinds of troops that may be at the disposal of the ruler. Such troops are apparently under the command of their own chieftains, and it is recognised that they are likely to be more interested in plunder than in fighting. One has to beware of danger from them as from a snake in the house (9.2.18-20). It is clear that the separateness of forest tribes from civilized society is regarded as something irrevocable. It would appear that the term Mleccha covers partly these forest tribes. Mlecchas, who are stated to be communities of various kinds (1.12.21), are distinguished from the Ārya communities. There can be *dāsabhāva* or slavery amongst them, but not amongst Āryas (3.13.3-4). The Śabaras and the Pulindas mentioned in 2.1.6 have obviously to be regarded as names of some of the forest tribes. It is well-known that forest tribes, some of them wild, have continued their separate existence in India throughout the centuries right down to modern times. No attempt seems to have been ever made to absorb them in the rest of society.[12]

Other kinds of tribes are referred to by the term *bāhirika.* This appears to be a general name for roving tribes, something like gypsies. It is said that they are harmful to the country and it is recommended

10 'On a Marxist Approach to Indian Chronology' in ABORI, 31 (1950), p. 265.

11 ZDMG, 88 (N.F. 13), 1934, pp. 162-163.

12 Cf. Beni Prasad, *The State in Ancient India* (Allahabad, 1928), p. 113.

that they should not be allowed in the city (2.4.32). The text refers to a tax called *dvārabāhirikādeya* 'to be received from the *bāhirikas* at the gate.' This tax is included in the category '*durga*', i.e., taxes having their source in the city (2.6.2). This seems to imply that when such tribes enter the city, they are to be made to pay a sort of poll-tax for good behaviour during their sojourn in the city. This seems also implied in the sūtra 2.4.32. Some of these roving tribes would seem to correspond to what have been called criminal tribes in modern times. To this category of a criminal tribe probably belong the *māṇavas*. This appears to be a general name for dacoits; but it is not clear whether they were organised in tribes or were merely dacoit gangs formed haphazardly. The *māṇavas*, according to the text, made use of magic for achieving their object (4.5.1-7). Meyer contends that *māṇava* originally meant a Brahmin boy, a young Brahmin fellow, and that therefore the *māṇava* is the Brahmin in his original condition when he took to thieving, housebreaking and adultery with the help of magic; according to him, *vrātyas* and *māṇavas* are cousins of the great Brahmin family who had not raised themselves to a higher position, but had remained true to their natural condition.[13] There does not appear to be much ground for such wild speculation.

This picture of society as revealed in this text does not materially differ from the state of things that persisted down to fairly modern times. There are the same four *varṇas* in theory, with a large number of castes of diverse origin in actual practice, there are the outcasts, probably also untouchables, there are the forest and hill tribes, there are the roving tribes, some with criminal propensities, and so on. The pattern of social groupings that has endured through the centuries was, it seems, more or less fixed in the days when this text was written. What happened thereafter was probably only a proliferation of castes and sub-castes, the disappearance or transformation of some of the old communities and the appearance of altogether new groups as a result of internal stresses and foreign incursions.

Such a society is characterised by the extreme rigidity of the lines that divide the different groups constituting it. In this respect the *Arthaśāstra* does not differ from what the Dharmaśāstra works teach. As Hillebrandt says, "The fact that a reasonable writer like Kauṭilya finds himself in agreement with the law-books and the epics and in the whole section (on the duties of *varṇas* etc.) shows no contrary views proves the firmness of the lines that cut through Indian soceity."[14] This extreme rigidity of the social structure was obviously detrimental to the growth of a sense of unity among all the people. In fact, the

13 J. J. Meyer, *Über das Wesen* etc., pp. 839-340.
14 *Altindische Politik*, p. 122.

consciousness of a feeling of separateness in the various social groups must have prevented any fusion, however gradual, between the different groups which could have created a sense of political unity. Moreover, the universal subservience to theological ideas which satisfactorily explained and even justified the social order of unequal status for different groups, made it possible for loyalty to be confined primarily to one's own community. What loyalty there was felt in the political sense tended to be felt towards the ruler or his dynasty, and not to any such entity as a state.

It must, however, be pointed out that the text contains evidence of loyalties felt on a regional basis. Different regions had evidently different customs, different ways of behaviour, different languages. It is laid down that the *vijigīṣu*, after he has conquered a new territory, should act in conformity with the behaviour, dress, language etc. of his new subjects, so that he may make himself acceptable to them (13.5.7). Again, one of the qualities essential in an *amātya* is that he should be a native of the land (*jānapada*, 1.9.1), implying an expectation that he would naturally care for the interests of the country. Similarly, it is laid down that only such persons should be allowed to be in attendance on the king as are not natives of other lands (*na anyatodeśīyam*, 1.21.2). But all this should not be understood to mean that the idea of a nation in the modern sense of that term is to be found in this text. Any conception like the nation-state is unknown to the śāstra. At the same time, it should not be forgotten that though the idea of a *patrie* or fatherland is fairly ancient in the west, the idea of a nation-state is a comparatively recent growth even there.

Closely associated with the theory of the *varṇas* is that of the four *āśramas*. The text states the duties of these mostly as in the Smṛtis (1.3.9-12). From the fact, however, that *ācārye prāṇāntikī vṛttiḥ*, that is, staying with the teacher to serve him till the end of one's life, is mentioned as the duty of the *brahmacārin*, it is obvious that the *naiṣṭhika brahmacārin* is meant. It would, in fact, appear that the four *āśramas* are represented as four different ways of life to be adopted according to one's aptitude and bent of mind, rather than as successive stages in the life of the same individual.

The *gṛhastha* or the householder is the first to be mentioned in connection with the *āśramas*, no doubt because of the supreme importance of this way of life for sustaining social life. One of his foresmost duties is marriage. The law concerning marriage and the relations between husband and wife is fully stated in three Chapters, 3.2-4. That is the first head of law to be treated in this text because as it says, "All transactions begin with marriage" (3.2.1). The eight forms of marriage are stated and defined as in the Smṛtis. Though *śulka*

'dowry' in the form of bride-price figures in the definition of the *āsura* form only, it appears quite clear that it is to be thought of in the case of other forms as well. Even in the case of *dharmavivāha*, i.e., a sacramental marriage (one of the first four types, *brāhma*, *prājāpatya*, *ārṣa* and *daiva*) the payment of *śulka* is referred to.[15] What is more significant is the fact that there is a reference to marriage in the section on the revocation of sale or purchase, and it is stated there that an agreement for marriage may be revoked before the ceremony of *pāṇi-grahaṇa* 'clasping the hand' in the case of the first three *varṇas* and before consummation in the case of Śūdras.[16] In the context of the section this can only imply a reference to the purchase of the bride by payment of *śulka*. And since all the four *varṇas* are mentioned in this connection, it would not be unfair to conclude that the payment of some sort of *śulka* was not uncommon among all communities.

The text dwells at length on the duties of the husband and wife towards each other, and lays down punishment for failure to carry them out. It deals with the question of the harassment of the wife by the husband and the possibility of her deserting the home. It allows for separation between the husband and wife under certain circumstances and lays down rules concerning the maintenance of the wife. It deals with the question of the husband's absence from home for a long period and his failure to return home, allowing various periods of waiting for the wife, after which she may consider herself released from the marriage tie. It considers the question of the dissolution of marriage, allowing it in the case of the lower forms of marriage, if both the husband and wife loathe each other (*parasparaṁ dveṣān mokṣaḥ*, 3.3.16). In the case of the first four forms of marriage, it does not allow dissolution (*amokṣo dharmavivāhānam*, 3.3.19); in their case, *niyoga* is thought of (3.4.37-41). But there is no doubt that in the other cases a remarriage of the woman is considered quite legitimate (3.2.20-23, 3.4.27). Sūtra 3.2.48 enumerates the circumstances when a wife is entitled to leave her husband. It is, of course, laid down that a man may take another wife even during the life-time of the first, by paying her adequate compensation for supersession.

A close study of the law on marriage and marital relations in this text shows that it is more detailed, more comprehensive and more systematically presented than that found in the Smṛtis. Many of the sub-sections, which are fully treated here, are not even thought of in

15 धर्मविवाहात्कुमारी... एकदेशदत्तशुल्कं त्रीणि तीर्थानि...आकाङ्क्षेत। दत्तशुल्कं पञ्च...। KA, 3.4.31-34.

16 विवाहानां तु त्रयाणां पूर्वेषां वर्णानां पाणिग्रहणात् सिद्धमुपावर्तनम्, शूद्राणां च प्रकर्मणः। KA, 3.15.11.

the Smṛtis. The provisions concerning the dissolution of marriage and the remarriage of women are on the whole foreign to the spirit of those texts. Moreover, the rules found in these sections show a breadth of outlook which is generally wanting in the Smṛtis. In particular, the position of women as revealed in this text is much different from that assigned to them in the Smṛtis. A much greater freedom for them is implicit in the rules governing the relations between the husband and the wife. At the same time, it should be mentioned that the text refers to some women as *aniṣkāsinī*, that is, not going out of their homes (2.23.11, 3.1.7). It is possible that the women meant are those of a higher social status, though inability to move out because of physical incapacity is not altogether inconceivable.

Similarly, widows in this text appear to enjoy a much freer life. There is a reference to *chandavāsinī vidhavā* 'a widow living according to her will (that is, independently)' (3.20.16). Again, rich widows, *āḍhya vidhavās*, are frequently mentioned, though that is mostly done in connection with the possibility of robbing them of their riches (1.18.9, 11.1.42, 13.2.42). There is no doubt that the text knows widows living independently and owning plenty of wealth. The text, of course, also refers to Brahmin widows becoming *parivrājikās* or wandering nuns. These occupied an honoured place in society; as such, their use in secret service is recommended (1.12.4).

The reason for the difference between this text and the Smṛtis in the matter of marital relations and the position of women seems to be the circumstance that the latter are mainly concerned with the life of the upper *varṇas*, particularly of Brahmins, whereas the present text appears to take into account and provide for all classes of society including the lower *varṇas*. At the same time, its more broad outlook may be regarded as due to the author's own propensity to reject extreme views or narrow outlooks which is noticeable in this work.

In connection with the law of inheritance, which is also spread over three Chapters, 3.5-7, the text refers to the special shares of the eldest and other sons at the time of partition. There is no hint that these special shares were regarded as obsolete in its days as was the case in the days of the later Smṛtis. It gives a fairly short list of heirs (3.5.10-12), in which the wife does not find a place as she does from Yājñavalkya onwards. The text refers to the twelve kinds of sons, *aurasa*, *kṣetraja*, *paunarbhava*, *datta* and others and discusses their status and rights. It does not appear to regard *niyoga* as a relic of the past nor to condemn it as does Manu. On the whole, there is no essential difference between this text and the earlier Dharmasūtra texts. And like some of them it lays down that in the matter of inheritance

whatever regional, communal or other customs may be in force should not be ignored by the state (3.7.40).

The *parivrājaka* or the wandering monk is an institution peculiar to India which has persisted till to-day. It seems that householders often took to this life straightway. Some of them evidently later repented of their hasty decision and wished to return to the householder's life. From such apostates, it is stated, should be recruited a useful category of secret agents, called *udāsthita* (1.11.4-8). It is, however, laid down in the text that before deciding to renounce worldly life and taking to *saṁnyāsa* a man must make adequate provision for the maintenance of his family. Only when the sexual urge has gone, it is stated, should a man think of becoming a *saṁnyāsin* and even then he should take the permission of the judges before actually leaving the householder's life (2.1.29-30). It is possible to see here a desire to check a once fashionable tendency to quit the householder's life on the slightest pretext and become a *saṁnyāsin* without making any provision for dependents.

The text prescribes a fine for the offence of helping or inducing a woman to take to the life of renunciation and wandering (2.1.29). But it does pre-suppose the existence of *parivrājikā*s or wandering nuns. They form a useful class of secret agents. The *parivrājikā* agent is described as a Brahmin widow, who has become a *saṁnyāsinī* and who is honoured in the royal palace and has free access everywhere (1.12.4). Brahmin *parivrājikā*s are contrasted with *muṇḍāḥ vṛṣalyaḥ* 'heretical nuns with shaven heads,' which implies that the former did not get their hair shaved. It would seem from the evidence of this text that Brahmin widows took to this life when they found it difficult to maintain themselves. The Smṛtis generally do not countenance the life of nunhood for women, though there is evidence in Sanskrit literature to show that *parivrājikā*s were not uncommon (cf. Kālidāsa's *Mālavikāgnimitra*).

It is stated in the text that a *pravrajitabhāva*, that is monkhood, other than the *vānaprastha* should not be allowed in the countryside (2.1.32). This does not seem to apply to the *parivrājaka*s of the Brahmanical order, for these as a rule do not settle down anywhere for long. Apparently the prohibition applies to monks of other orders, and it may be that the purpose of the prohibition is to prevent the spread of heretical sects. Another possible purpose may be to prevent enemy agents disguised as heretical monks from operating in the country.

The followers of heretical or non-Vedic sects are referred to as *vṛṣala* or *pāṣaṇḍa*. Particular sects are, however, mentioned by name only in one place, where a heavy fine is prescribed for inviting monks

of heretical sects (*vṛṣalapravrajitān*) like the Śākyas, the Ājīvakas and others to dinners in honour of the deities and the *pitṛs* (3.20.16). The Śākyas are, of course, the followers of the Buddha. The Ājīvakas were a sect founded by Gosāla Makkhaliputta, a contemporary of Mahāvīra, and, according to Jain accounts, for some time his follower. The existence of this sect till the days of Aśoka Maurya and his grandson, Daśaratha, is attested by inscriptions. It is interesting to note that the Jainas are not mentioned here. It would not be unreasonable to suppose that the Jainas had not yet attained a very prominent position. The Ājīvakas, however, failed to survive as an independent sect.[17]

It is easy to understand the prohibition against inviting monks of the heretical orders to dinners when Vedic rites are performed. But in one place in the text the *pāṣaṇḍas* are assigned a place of residence 'at the end of or near the cremation ground' along with the Caṇḍālas (2.4.23). However, as remarked earlier, the sūtra does not appear to be authentic.[18] For, we find it laid down elsewhere that when there is ample room available, monks of the Vedic order (*āśramiṇaḥ*) and those of the heretical orders (*pāṣaṇḍāḥ*) should stay in the same place without giving trouble to each other and should even put up with some inconvenience that may be caused thereby (3.16.33-34). Again, it is laid down that *pāṣaṇḍipathikas* may be given accommodation in the charitable rest-houses in the city, and a *pāṣaṇḍāvāsa* is actually included among places located inside the city (2.36.5,14). Besides, in the list of cases, which the king is asked to take up for consideration in a specific order, the cases of the *pāṣaṇḍas* appear immediately after those connected with the *devatās* and the *āśramas*, even before those of the Śrotriyas (1.19.29). This clearly shows that there is no ground for supposing that the *pāṣaṇḍas* are intended to be treated as outcasts. On the contrary, great courtesy is expected to be shown to them.

Concerning the heretical monks it is stated that they do not possess either money or gold, and that, therefore, when anyone of them commits an offence for which a fine is prescribed, he is to be made to undergo fasts and other *vratas* according to his own religion for the welfare of the king. In certain cases, however, fines are to be recovered from them (3.16.39-41). Apparently such fines are to come from the property of the *pāṣaṇḍasaṁgha* to which the offending member belongs. For, there is a reference to such property belonging to heretical orders. A prince in disfavour with the ruling monarch is advised to appropriate the property of a *pāṣaṇḍasaṁgha*, and even the property of temple-deities, in order to get together resources for ousting his unjust father

17 See pp. 98-99 above.
18 See pp. 147-148 above.

(1.18.9). Similarly, it is stated that such property may be appropriated fraudulently in times of financial stringency (5.2.37).

But though the existence of heretical sects is thus not only tolerated but even shown due consideration, it is the Vedic way of life, based on the Trayīdharma, that alone is declared beneficial to the people and the state (1.3.4). People, guided and guarded by the Trayī, are said to flourish and not to perish (1.3.17). In consonance with this, the Vedic *saṁskāras* of *caulakarma*, *upanayana*, *godāna* and so on are prescribed for the prince (1.5.7-10). The king is to have an *agnyagāra* (1.19.31) and have *ṛtvijs* in his service (1.19.23, 5.3.3), which implies that he is expected to perform the Vedic sacrifices. Rājasūya and other *kratus* are referred to in connection with the special payment to be made to the *adhvaryu* priest in those sacrifices.

However, a religious life much different from that recommended in the Vedas is revealed in the numerous references to temples, images of deities and their worship which we find in this text. Thus there is mention of *caityadevatā* 'deity in a sanctuary or a temple' (1.20.2), *caityadaivata* (11.1.25, 13.2.25), *daivatacaitya* 'sanctuary of a deity' (5.2.39), *devatāgṛha* 'a temple' (12.5.3), *devagṛha* (2.36.28), *daivatapratima* 'the image of a deity' (4.13.41, 13.2.25,27 and elsewhere), *devatādeha* 'an idol' (12.5.5), *devatādhvaja* 'the flag of a deity' (12.5.5, 13.3.45), *devatāpraharaṇa* 'a weapon in an idol's hand' (12.5.5), *devatāpidhānaṁ bhūmigṛham* 'an underground room with an opening covered by the image of a deity' (2.5.2), and so on. The worship of the deities is referred to as consisting of *praṇipāta* 'prostration' before the image (9.7.83), and *upahāra* 'gifts' to deities (7.17.44), specifically *puṣpacūrṇopahāra* 'gifts of flowers and incense' (12.5.6). Devotees of different deities are also indicated (12.5.1).

Particular deities are mentioned by name in this connection. While describing the layout of the city, the text refers to the building of shrines for the deities, Aparājita, Apratihata, Jayanta and Vaijayanta as well as temples of the gods, Śiva, Vaiśravaṇa, Aśvins, Śrī and Madirā, in the centre of the city (2.4.17).[19] The first four deities are apparently different forms of the God of Victory. Śrī is obviously the same as Goddess Lakṣmī, while Madirā 'the Intoxicating One' appears to be a form of Durgā or Kālī. Temples of these and of Śiva are common, but temples of Vaiśravaṇa, that is, Kubera, and of the Aśvins are not otherwise known. Again, it is said that Brahman, Indra, Yama and Senāpati (that is, Skanda) are the presiding deities of the four main gates of the city in the north, the east, the south and the west respectively, and there can be little doubt that temples of these deities are meant to

19 *Śivavaiśravaṇau* occurs in Patañjali as a *Devatādvandva* compound; see O. Stein, AOr, VIII, p. 337, n. 6; see also p. 85 above.

be built near those gates (2.4.19). A reference to Varuṇa and Nāgarāja is made in such a way that we have to understand images of these divinities as meant (13.2.16). The reference to a devotee of god Saṁkarṣaṇa (13.3.54) also appears to imply worship of the image of this deity.

There is also mention of *deśadevatā* (13.2.15) or *deśadaivata* (13.5.8), which evidently refers to the tutelary deity of the region or the kingdom. Similarly, there is a reference to *nagaradevatā*, the tutelary deity of the city and to *rājadevatā*, the family deity of the king (2.4.15). These, that is, their temples, are to be located in the northern part of the city. There can be no doubt about the existence of temples in large numbers dedicated to various gods.

It is evident that the temples owned large properties. Such property included cattle, images, servants (or slaves), lands, buildings, cash, gold, jewels and grains. The highest fine or even capital punishment is prescribed for their theft (4.10.16). Temple bulls, *devavṛṣāḥ*, and temple cattle, *devapaśu*, are referred to in other places too (3.10.24, 4.13.20). It is interesting to note that there is a reference to *devadāsīs*, whose service at the temple is at an end and who thereafter may be engaged in spinning (2.23.2). It is laid down that the village elders (*grāmavṛddhāḥ*) are to look after temple property and see that it goes on augmenting (2.1.27). That there should be disputes in which temple property is involved is natural. Such disputes are to be taken up by the king before all other cases that are brought to him for decision (1.19.29). It is also laid down that judges should institute *suo moto* cases in connection with temple matters, and that they should not dismiss temple cases on grounds of want of jurisdiction or adverse possession or the suit being time-barred (3.20.22).

The text refers to an officer called *devatādhyakṣa*, whose duties are not, however, precisely described anywhere. Apparently he looked after temples and their property and saw to it that they were properly managed by the temple trustees. He also seems to have the power of taking possession of temple property on behalf of the state. One of the shady ways recommended for replenishing the treasury in times of stringency is this : the *devatādhyakṣa* is to collect all temple treasures and property in one place and secretly appropriate them for the state, declaring at the same time that they were either looted or burnt down (5.2.37-38). No scruples about the sanctity of temple property are allowed to come in the way of state interests. Even the prince in disfavour is allowed to appropriate temple property for augmenting his resources in order to overthrow the unjust monarch (1.18.9).

At the temples are held fairs and festivals. The text refers to a fair in honour of the worship of a deity (*daivatejyāyāṁ yātrāyām*, 12.5.1),

also to festivals (*utsava*) and gatherings of people (*samāja*) on such occasions. In fact, the king is advised to exploit the faith of the people in deities to replenish his empty treasury, by setting up a 'miraculous' manifestation of some deity at night and arranging fairs at the place (5.2.39). The idea is that the state would be receiving the gifts made to the deity at such fairs. On the occassion of a *yātrā*, permission is to be given to people to prepare and drink liquor freely (2.25 36).

This picture of religious life is, on the whole, foreign to works on Dharmaśāstra. But it cannot, on that account, be regarded as false or unlikely in the early period to which this text can be assigned. Dharmaśāstra, it must be remembered, had its origin in the Vedic schools and was primarily concerned with the mode of life appropriate to the Āryans, that is, the mode of life appropriate to the upper *varṇas* and in particular to the Brahmins. It is not, therefore, surprising that it has ignored such beliefs and practices as did not fit in with the religious life it recommended for the upper *varṇas*. That does not mean that these beliefs and practices were then non-existent. In every age the followers of the Vedic religion of sacrifices must have been restricted to the higher *varṇas*, and these must have formed but a small fraction of the entire population. The masses of people, mostly non-Aryan in origin, were as a rule debarred from Vedic practices. And if, as seems quite possible, the worship of images of gods in shrines and temples with flowers, incense, gifts etc. is a practice of non-Aryan origin, it would be quite reasonable to suppose that the masses stuck to the beliefs and practices to which they were accustomed.[20] At any rate, there is no reason for supposing that such beliefs and practices arose only very late in India. It is easy to understand why a work like the *Arthaśāstra* takes full notice of the varied religious life of all classes of people, while the Dharmaśāstra works restrict themselves mainly to a description of the Vedic way of life.

Side by side with belief in deities and their worship in temples is belief in malevolent spirits, the *rakṣasas*, and their propitiation. In fact, one of the eight calamities of 'divine' origin is trouble caused by these evil spirits. The text recommends that the services of magicians and those expert in the lore of the Atharvaveda should be utilised for exorcising them and that various offerings should be made including that of a goat at Caitya shrines (4.3.40-41). The *Arthaśāstra* not only recognises the existence of these beliefs, but it also suggests that they may be exploited in the interests of the state (5.2.41). Creating the illusion of a danger from *rakṣasas* is particularly recommended for the

20 P. Thieme regards such worship as prevalent also among Āryas ; one has not to think immediately of Dravidian influence, he says in JOR, XXVII (1957-58), p. 10.

purpose of inducing the enemy king entrenched in a fort to come out for their propitiation and of murdering him when he has come out for the purpose (13.2.21-35).

Closely related to this is belief in magical practices and superstitions of all kinds. And the text contains ample evidence of the prevalence of such beliefs. It frequently refers to *saṁvadana* or *saṁvanana*, i.e., winning the love of a man or a woman with the help of magical practices and potions (4.4.14, 4.5.1 etc.). It mentions magical rites for obtaining inexhaustible wealth, *akṣayahiraṇyaṁ karma*, for finding favour with the king, *rājadvārikam*, for afflicting enemies with diseases, *arivyādhikaram*, for securing a long life, *āyuṣyam*, or for getting a son, *putrīyam* (5.2.59). There is also a reference to rites for warding off a danger from the country, *deśapīḍāpahari karma*, and for driving away or destroying enemies, *amitrāpahaṁ karma* (5.6.2). The lore associated with such practices is called *jambhakavidyā*, and the rites evidently involved the use of mantras and roots of herbs (4.4.14). Another such lore is *māṇavavidyā*, of use primarily to dacoits and adulterers, who are called *māṇavas*. This *vidyā* is supposed to involve the use of mantras to get doors of houses or city-gates automatically opened (*dvārāpohamantra*), to put other persons to sleep (*prasvāpanamantra*), to make oneself invisible (*antardhānamantra*), also *saṁvadanamantra* for winning a woman's love (4.5.1-6). The text shows how *māṇava* gangs may be apprehended through secret agents posing as experts in these magical practices. However, *kṛtyā* or *abhicāra*, that is, black magic, is condemned in the text. It is treated as a criminal offence and is included among the *gūḍhājīvas*, secret ways of earning a livelihood (4.4.16). So is *saṁvadanavidyā* condemned, though its use by the wife to win her husband's love or by the husband to secure his wife's love is permitted, perhaps also its use by a man to secure a girl's love with the intention of marrying her (4.13.28).

Most of Book Fourteen of the *Arthaśāstra*, called *aupaniṣadika*, describes a number of rites and practices which are supposed to produce occult manifestations or miraculous effects. There are recipes for bringing on blindness or killing people on a mass scale, for mysteriously causing various kinds of diseases, for changing one's appearance, for making objects glow at night, for remaining without food for days together, for walking long distances without getting tired; there are also rites for making others sleep, for opening doors, for making blind and so on. It is difficult to say how far the author himself believed in the efficacy of these recipes. He may well have only reproduced ancient lore on these subjects from earlier sources. But he is keenly aware of the extreme gullibility of people and recommends that the

state should not hesitate to take advantage of such gullibility to further its own ends.

The text no doubt condemns the practice of consulting the stars before starting on an expedition or undertaking a work (9.4.26). Nevertheless, it refers to astrologers, soothsayers and others, *mauhūrtika*, *naimittika* and *kārtāntika*, some of whom must be definitely supposed to be in state service (5.3.13). Those who know such occult lores as *nimitta*, omens, *vāyasa*, interpretation of signs of birds, *svapna*, interpretation of dreams, *lakṣaṇa* or *aṅgavidyā*, interpretation of the marks or movements of the body and so on (13.1.9, 1.12.1 etc.) are also to be used in state service.

There can be little doubt that this picture of belief in stars, in omens, in miraculous and occult manifestations, in magic with its power for good or evil, in the possession of occult powers, is true to life. Superstitiousness and credulity of a high degree have characterised the life of the vast majority of people in all ages. Such beliefs and practices go back to the days of the Atharvaveda and earlier. The connection of these practices with the Atharvaveda is recognised in the text when it recommends that the purohita should be an expert in warding off divine and other calamities by means described in the Atharvaveda (1.9.9). The Dharmaśāstra works practically ignore this aspect of the people's life also, showing how they are of little value if we are to get a comprehensive idea of the life of the people in general. There is nothing that is so invaluable in that respect as the *Arthaśāstra*.

Life in the city is intended to be well-regulated. Residential accommodation is reserved for different communities and trades in the different quarters of the city (2.4.8-15). It is required that full details about each household in the city should be recorded by the officers of the city-administration. All arrivals and departures are to be reported to them by the citizens. Movements at night are to be allowed only in emergencies or under authorization (2.36.1-4,11,34-38). All these precautions are necessary because the city is the fortified capital of the kingdom, and its security has to be the first consideration in its administration. A constant watch has to be kept for enemy spies and secret agents who may have got into the city in various disguises (2.36.13-14).

Details in the legal section on *vāstuka* 'buildings and other property' throw some light on houses in the city. The rules given there are mainly concerned with encroachments on the neighbour's property, causing nuisance to him, damaging his property and so on. In that connection a reference is made to the erection of a fence round the house, to arrangements for the disposal of rubbish, waste water etc., to arrangements for grinding and pounding, to cattle- and carriage-

sheds, to channels for letting out rain water, to lanes between neighbouring houses and windows in side-walls and so on (3.8.3-23). That Chapter also mentions landlords and tenants. It appears that tenancy contracts were made on a yearly basis (3.8.24-25). There is also a reference to big buildings with a number of tenants in each. In such places, some things, such as the court-yard, pounding-sheds, latrines etc. are declared to be intended for the common use of all tenants (3.8.26-28). In reading this Chapter one is constantly reminded of conditions found in modern cities, the similarities in many respects are so striking.

Public eating houses of different kinds are mentioned. There is the *āpūpika*, the purveyor of bread, the *audanika*, who sells cooked rice, and the *pākvamāṁsika* running a non-vegetarian eating house. Rice-eaters and bread-eaters were apparently catered for in separate eating places. Rice appears in the text as the main staple food. When the average rations for an individual are mentioned, only rice is referred to ; wheat or barley is not mentioned even as an alternative (2.15.43-49). The other principal ingredients of a meal are *sūpa*, a kind of broth and an additional dish of vegetables or meat. Recipes for vinegars and sour juices are given in the text (2.15.17-18). It is interesting to note that dried fish and dried meat are included in the *śākavarga* (2.15.21), implying that *śāka* does not refer to vegetables alone.

The sale of meat is regulated by the state. The officer in charge is *sūnādhyakṣa* ; however, there is no reference to slaughter-houses or their licensing as part of his duty. He is primarily concerned with the prevention of unauthorized killing of certain animals, especially those from animal-sanctuaries (2.26.1-3). The killing of certain birds, like the *haṁsa*, the *krauñca*, the *cakora* and so on and of some animals is prohibited (2.26.5-6). The *sūnādhyakṣa* is also to inspect the quality of meat sold to customers and to punish offenders with fines (2.26.7-13).

Varying fines are laid down for making a Brahmin, a Kṣatriya, a Vaiśya or a Śūdra eat what is uneatable (*abhakṣya*) or drink what is undrinkable (*apeya*) (4.13.1). This does not seem to refer to the *abhakṣyabhakṣaṇa* of the Smṛtis, the basis of which is the prohibition to eat certain things, applicable especially to Brahmins.

There is no doubt that dinner parties formed an essential part of celebrations on auspicious occasions. There is a reference to channels for the flow of water used for rinsing the mouth (*ācāmodaka*) on auspicious occasions (*kulyāṇakṛtya*) such as a birth in the family, marriage and so on (3.8.8). A sort of a picnic party, arranged away from home is called *prahavaṇa* (or *pravahaṇa*), to which the text frquently refers.

The drinking of wine is to be regulated by the state. There is no general prohibition against drinking wine. As a rule wine is to be

drunk on the premises in state ale-houses, which also seem to be intended to provide lodging for strangers (2.25.5,15). On occasions of festivals permission is to be given for the manufacture and consumption of liquor without control (2.25.36). Recipes for various kinds of wine are given, the *medaka* prepared from rice, *prasannā* from flour (of barley). *āsava* from sugar-cane juice and *kapittha* fruit, *maireya* from jaggery etc., *madhu* from grape-juice (said to come from Kapiśa and Hārahūra) and *ariṣṭas* or medicinal liquors of various kinds (2.25.17-25). Liquor, it seems, was offered to guests invited on the occasion of a funeral rite (11.1.24, 12.4.4). It may be that this custom was prevalent among the common people, not among the higher *varṇas*. It has persisted among many lower communities until recent times.

There are few indications in the text about the dress of the people. Cloth of various kinds, cotton, linen, silk and woollen, woven in different types of coarse or fine weaves, and dyed in various colours, is mentioned in connection with the state stores (2.11.97-115). Tailors are mentioned (4.1.25), but there is no indication of the kinds of clothes they stitched for their customers. Greater details are found about the work of the washerman and dyer (*rajaka*). Even his habit of himself wearing the customers' clothes and his unpunctuality in bringing back the clothes given for washing or dyeing are referred to in the text (4.1.14-24).

The use of jewellery and gold and silver ornaments of various kinds is implicit in the description of pearls, diamonds, rubies and other precious stones (2.11). Besides, we find a description of the manufacture of various kinds of gold and silver ornaments (2.13 and 2.14). The use of perfumes and garlands of flowers is referred to, so also that of fragrant powders and unguents during and after bath (1.21.13-14). Sandalwood and aloe wood, of which a large variety is mentioned (2.11.43-72), were apparently used in some of these preparations.

A common form of entertainment mentioned in the text is *prekṣā* a 'show'. One may assume that shows were put up on the stage. For, there is a reference to artists male and female 'who make their living by playing on the stage' (*raṅgopajīvin*, 2.27.29 ; *raṅgopajīvinī*, 2.27.28). The text distinguishes between *strīprekṣā* and *puruṣaprekṣā*, that is, shows put up by women only and by men only respectively (3.3.21). Artists such as *naṭa* 'actor', *nartaka* 'dancer' or 'mime', *gāyana* 'singer', *vādaka* 'player on musical instruments', *tālāvacara* also probably a dancer, and others, who are frequently mentioned in the text, may be supposed to take part in these stage shows. The word *kuśīlava* seems to be a general term for actors, mimes and similar artists. It is stated that when a show is put up at any place, every household is to make a contribution so that all its members may be entitled to wit-

ness it. Refusal to make the contribution and attempts to witness it without payment are punishable offences (3.10.37-38).

It is laid down that at the time of settlements on new lands, halls for entertainment should not be provided in the villages. That is meant to prevent actors, dancers and others from proving a hindrance to work in the fields (2.1.33-34). With the same purpose in view, it seems, it is recommended that during the monsoon these artists should be made to stay in one place (4.1.58). Special halls in the villages would in any case be hardly necessary. An improvised stage can always be erected anywhere, and most of the shows in the countryside may be supposed to have been put up in temporary structures erected for the purpose. The monsoon, too, would appear to be an unsuitable season for putting up such open-air shows.

Other itinerant entertainers referred to are *plavaka*, an acrobat, *kuhaka*, understood either as a juggler, a puppet-player or a clown, and *saubhika*, who, according to the commentators, is a kind of conjuror, but who may be the same as the *śaubhika* of Patañjali, who puts up some kind of a dramatic show. Then there is mention of *aditikauśika* in 1.17.19, which the commentators understand as two, 'mendicants earning a livelihood by showing images of gods (*aditi*) and snake-charmers (*kauśika*)', but which seems to refer to only one class, namely, the mendicants carrying images of gods. The same expression is read also at 11.1.42, in accordance with the commentators. V. Raghavan has argued that in this latter place we have to read only *kauśika*, whose womenfolk are mentioned there. Kauśika or Kaiśika is, according to him, the name of a class or community devoted to the arts of music, dance etc., employed at courts and frequently used for aiding love-affairs—a community referred to in Tamil literature.[21] But the Kauśikas would appear to be a Brahmin community. On the other hand, the women meant in the passage have to be understood as those of easy virtue to be used by the state for enticing *saṁgha* chiefs. It is not certain that the women of any Brahmin community were thought of in these terms. At any rate, Kauśikī of the *Mālavikāgnimitra* of Kālidāsa, to whom Raghavan refers in this connection, appears to be a Brahmin *parivrājikā* and she cannot be thought of as being employed for the sort of work intended in this sūtra. It is possible, however, that *kaiśikastriyaḥ* (to be distinguished from Kauśika-) was the original reading.

Apart from *nṛtta* 'dancing', *nāṭya* 'acting', *gīta* 'singing' and *vādya* 'playing on musical instruments', some other arts are also referred to, among them *pāṭhya* 'recitation', probably done by the

21 JOR, XV (1945), pp. 110-116.

vāgjīvana, *akṣara* 'writing, calligraphy', *citra* 'painting', *gandha-mālyasaṁyūhana* 'preparation of perfumes and garlands', *saṁvāhana* 'shampooing' and *vaiśikakalā* 'the courtesan's arts' (2.27.28). Concerning this last, we find that the profession of the courtesan is intended to be regulated by the state. A special officer, the *gaṇikā-dhyakṣa*, is to be appointed for the purpose. The *gaṇikās*, it seems, are appointed primarily for attendance on the king, for holding the umbrella over his head or carrying the water-jug for him or fanning him or accompanying him on processions and so on (2.27.1-4). At the same time, the *gaṇikā*, who is allowed a suitable establishment by the state, is expected to entertain visitors according as the king may direct her. A refusal to obey the king in this respect means heavy punishment. However, her relations with visitors are to be governed by a strict code of conduct (2.27.13-23). A *gaṇikā* may free herself from this life if she can find a ransom amount of 24,000 *paṇas*. Her son can be free by paying half this amount. Else he becomes a state servant as a *kuśīlava* in charge of all artists, supervising their work (2.27.6-7,29).

The usual name in the text for women belonging to this profession, who are not *gaṇikās* maintained by the state, is *rūpājīvā* 'one who earns her living by means of her beauty.' However, *rūpājīvās* also appear among attendants in the palace (1.20.20). Residential accommodation for *rūpājīvās* is reserved in the southern part of the city (2.4.11). It is also to be noted that in military camps or cantonment areas, *rūpājīvās* are to be given accommodation along the main highways (10.1.10). In one place there is a refernce to a *rūpājīvā* who is 'reserved for another (*anyoparuddhā*),' which seems to imply a woman in the exclusive keeping of a person (3.20.15).

In two places in the text *bandhakīpoṣakas* are mentioned and the expression can only refer to brothel-keepers. Beautiful young maidens are inmates of their establishments. It is recommended that income earned through them may be used to replenish the treasury (5.2.28). The inmates may also be used to serve political ends by creating quarrels over themselves among the chiefs of the *saṁghas*, thus bringing about the latter's ruin (11.1.34-39).

Like drinking, gambling also is to be under strict state control. The state is to provide not only gambling halls, but also the necessary materials like dice, cowrie-shells etc. Gamblers are said to be given to cheating or fraud. And suits arising out of gambling are also thought of (3.20.1-12).

That *bhikṣuka*, a beggar, and *pracchandaka*, which probably means 'a tramp' are known to the text is not surprising.

It is true that some of the statements bearing on the question of social conditions are of a recommendatory character, laying down regulations to be put into practice by the state. It may therefore be contended that they do not necessarily reflect the actual conditions that obtained when this text was composed. However, the regulations are not framed without any reference to actual conditions. We would not be far wrong in maintaining that the social and religious life directly or indirectly revealed in this text reflects more or less faithfully the actual conditions of the day.

CHAPTER SEVEN

STATE ECONOMY

THE state is sustained by the revenue it collects from its subjects. These follow different vocations from which they make a living and pay taxes to the state. Three principal vocations are recognised as providing men with the means of livelihood, namely, *kṛṣi*, agriculture, *pāśupālya*, cattle-tending and *vaṇijyā*, trade. The three together constitute *vārttā*, a word obviously derived from *vṛtti*, livelihood. It is said that because of *vārttā* the state receives grains, cattle, money and various kinds of products. It also supplies *viṣṭi*, that is, labourers to the state (1.4.1). From this it may be surmised that labourers engaged in the various economic fields could be recruited for similar state enterprises. It is further added that because *vārttā* sustains the treasury and the army, it becomes possible for the state to hold its own people and the enemies in check (1.4.2). It may be inferred from this that the army could also be recruited from persons ordinarily engaged in one or the other of these occupations. One kind of *saṁgha*, as we have seen, is described as *vārttāśastropajīvin* (11.1.4). Even in lands not under that type of *saṁgha* rule, the bulk of soldiers may be supposed to have come from classes normally following these occupations.

It may be noted that arts and crafts, which must have been a source of livelihood to many, are not included in *vārttā*. In fact, among the duties of the Śudra, *kārukuśīlavakarma* is distinguished from *vārttā* (1.3.8). It may be that the conception of *vārttā* was formed at a time when arts and crafts did not play a significant role in the economic life of society. In any case, though *kāruśilpigaṇaḥ* appears as one of the items of state income (2.6.2), the impact of artisans and craftsmen on state economy may be supposed to have been comparatively negligible.

Like all activity in the state, *vārttā* too is rooted in the country (*janapadamūlā*, 8.1.29). In fact, as Kauṭilya asserts in his own words, "There can be no kingdom without a country or territory."[1] The ideal country (*janapada*) is described at length in 6.1.8. Among other things, it is stated, it should be easy to defend, should provide easy means of livelihood, such as agricultural land, mines, forests, pastures, trade-routes and so on, and should be inhabited by hard-working agriculturists and men mostly of the lower *varṇas*. Apart from considerations of

1 न ह्यजनो जनपदो राज्यमजनपदं वा भवतीति कौटिल्यः। KA, 13.4.5.

defence, the emphasis is on facilities for the pursuit of *vārttā*. But, of course, a ruler has to be satisfied with such territory as may have fallen to his lot. A choice is, however, possible when new settlements are planned or new conquests attempted. In such a case, he is advised to choose land which abounds in water, yields crops without much rain, is suitable for grain-crops and so on, that is, predominantly good agricultural land (7.11.3-5).

A distinction is made in the text between an *āyudhīyaprāya janapada* and a *karṣakaprāya janapada*. In the course of the discussion on the relative seriousness of the calamities of the *janapada* and the *durga*, Kauṭilya expresses the view that generally speaking, the calamity of the *janapada* should be regarded as more serious than that of the *durga*. He adds, however, that when the country is inhabited mostly by agriculturists, the calamity befalling the fortified capital should be regarded as more serious, while if the country is inhabited mostly by fighters, the calamity of the country would be more serious.[2] It seems that the difference lies in the presence or absence of martial qualities in the inhabitants. It cannot be supposed that a country of soldiers would be able to dispense with agriculture altogether. Even warlike *saṁghas* like Kāmboja and Surāṣṭra engage in *vārttā* in peace-time (11.1.4), and *vārttā* includes agriculture. What Kauṭilya means is that when there are no martial people on land, the fort assumes a greater importance, while with martial people on land the importance of the fort is reduced. It is possible that regions supplying soldiers would enjoy certain exemptions; but that would hardly mean supplying troops 'in lieu of taxes,' as Basham suggests.[3]

The most important of the three vocations is, of course, agriculture. The earlier teachers are stated to have held the view that pasture-land should generally make way for agriculture (8.4.37-38). One may see in this a reflection of the stage when pastoral society was being transformed into agricultural settlements. Kauṭilya himself does not appear to agree entirely with the teachers, though he admits that encroachments by pastures on agricultural land should not be tolerated (8.4.39-40).

An important state activity, frequently referred to in the text, is *śūnyaniveśa* or settlement on unoccupied land. This is not transformation of pasture-land into agricultural fields, but the occupation and settlement for the first time of new virgin territory. Such settlement is described at length in Chapter 2.1. Another Chapter, 7.11, discusses the relative merits of different types of land that may be selected for

2 कर्षकप्राये तु दुर्गव्यसनम्, आयुधीयप्राये तु जनपदे जनपदव्यसनमिति । KA, 8.1.32.
3 A. L. Basham, *The Wonder that was India* (London, 1954), p. 129.

reclamation and settlement. One may suppose that there was plenty of unoccupied land waiting to be thus reclaimed when the theory of the śāstra was formulated and even when the present text was written.

Settlement on unoccupied land is to be in the form of villages (*grāma*) each containing from one hundred to five hundred families mostly belonging to the Śūdra agricultural class (2.1.2). The boundaries between villages are to be well marked out, for these are a frequent source of disputes between villages (2.1.3 ; cf. 3.9.10-14). People who are to be thus settled in new villages may be induced to go there from one's own territory or from that of a neighbouring state. In the former case, it means a shifting of population from one region of the state to another (*svadeśābhiṣyandavamana*) ; in the latter case, it might involve the forcible removal of people from some foreign territory (*paradeśāpavāhana*, 2.1.1). It may incidentally be pointed out that the opinion of Pran Nath that *grāma* is to be understood not in the sense of a village but in that of an estate or a big farm[4] cannot be accepted in view of the description of a *grāma* here as containing one hundred to five hundred families.

It is quite clear that all unoccupied land is supposed to belong to the king, that is, to the state. It is stated that land which is ready for agriculture should be given to those who are willing to pay the taxes ; but the grants are to be made for life only (*aikapuruṣikāṇi*), implying that the farmers in this case are not full owners (2.1.8). It is also added that if the grantees fail to till the fields, these may be taken away from them and given to others, or the state may get them tilled by state servants and traders (2.1.10-11). Land which is not already arable is to be allowed to be brought under cultivation by whosoever chooses to do so ; in this case, the land is not to be taken away from him (2.1.9). This farmer, too, must be supposed to be a tenant on state land. The state is to help settlers with seeds, cattle and even cash, so that the land may be reclaimed. These, however, are loans, to be recovered at the tenants' convenience (2.1.13-14). Other concessions and remissions in taxes are also recommended at the time of the first settlement (2.1.15-18).

This Chapter on new settlements suggests that an entirely new country or kingdom (*abhūtapūrva janapada*, 2.1.1) can be created in this manner. It refers to the founding of villages and towns, with the *sthānīya* as the principal town in the midst of eight hundred villages (2.1.4). Now, the *sthānīya* appears elsewhere as the central place where all state revenue is collected ; this *sthānīya* is to be fortified

4 Pran Nath, *A Study in the Economic Conditions of Ancient India* (London, 1929), pp. 26-32. For a criticism, see K. A. Nilakanta Sastri, JOR, IV (1930), pp. 222-224.

and is, in fact, the same as the *durga* or the fortified capital of the state (2.3.3). Again, there is a reference to the frontier forts, as gates allowing entry into the *janapada* (2.1.5), implying that the new *janapada* constitutes an independent political entity.[5] However, it may be doubted if in the days of the author there was really much scope for the creation of new kingdoms out of territory that was entirely unoccupied before. Such land there may have been in plenty; but it may be supposed to have been included in the already existing states. All other references to *śūnyaniveśa* in this text imply that such activity is undertaken by a state that is already in existence.

It may be assumed that though villages in new settlements are to enjoy certain privileges and concessions in the initial stages, they would be expected to be treated, in course of time, in the same way as the other older villages in the same state. Many of the rules in the latter part of this Chapter (sūtra 25 onwards) appear to be intended for all villages in the state, not for those in new settlements only. For example, rules about the guarding of the property of minors and temples, the maintenance of orphans etc., punishment for taking to *saṁnyāsa* without providing for the family and so on, can hardly be understood as meant for new settlements only. Moreover, the concluding stanzas of the Chapter (2.1.36-39) have undoubtedly the whole country in view and not only the new villages.

A question that has exercised the minds of scholars for long is whether all land belongs to the state or whether there is also private ownership in land. It seems that opinions were divided on this question in ancient times.[6] So far as the present text is concerned, there can be little doubt that it recognises private ownership in land, though it presupposes at the same time the existence of state-owned or crown lands. As we have seen, all unoccupied land is assumed to belong to the state. The existence of state farms is shown by the description of the duties of the *sītādhyakṣa* in Chapter 2.24. Lands which are not under his supervision are clearly to be supposed to belong to private owners.

Breloer, however, has argued that the activity of the *sītādhyakṣa* extends over the entire agricultural economy in the state.[7] "Scholars," he says, "have thought of king's dominions (as, for example, in the *sītādhyakṣa*). But such king's dominions are an illusion. There is no Indian word for such an idea."[8] It is not possible to agree with him.

5 अन्तेष्वन्तपालदुर्गाणि जनपदद्वाराणि. . .स्थापयेत् । KA, 2.1.5.

6 See U. N. Ghoshal, *The Agrarian System in India* (Calcutta, 1930), pp. 81-103; also IHQ, II (1926), pp. 198-203; JRAS, 1931, pp. 693-696; K. P. Jayaswal, HP, II, pp. 174-183; also *Manu and Yājñavalkya*, p. 105; F. W. Thomas in *Cambridge History of India*, I, p. 475; P. V. Kane, HD, III, pp. 495-496; and others.

7 KSt, III, pp. 490-491.

8 *Ibid.*, p. 93.

It may be that even this text has no word for king's dominions or crown lands, though it is possible to understand *svabhūmi* (2.24.2) as '(king's) own land.'[9] But it clearly visualises two different relations in which land can stand to the state. There are first the agricultural operations carried out under the *sītādhyakṣa*'s supervision. He keeps the seeds ready and gets the land ploughed and sown by *dāsas*, *karmakaras* and *daṇḍapratikartṛs* and provides them with the services of smiths etc. (2.24.1-3). These are slaves and labourers in state service and such offenders as have to render service to the state because they are unable to pay the fines imposed on them. None of these can be looked upon as even a tenant farmer. On the other hand, there are other lands, on which the *karṣaka* or farmer worked. The work of the *karṣakas* can, on occasion, be controlled by the state; but the controlling authority is not the *sītādhyakṣa*, but the *samāhartṛ* and his assistants, as is shown by 5.2.8-13. Again, the produce brought to the stores through the activity of the *sītādhyakṣa* is called *sītā* (2.15.2). But in addition to *sītā* and distinguished from it is *bhāga* (2.6.3) or *ṣaḍbhāga* (2.15.3), which, therefore, cannot be understood as the result of the *sītādhyakṣa*'s activity. It is evidently the same as the *dhānyaṣaḍbhāga*, which people in the beginning are supposed to have promised to give to the ruler in return for his protection (1.13.6). Moreover, statistics and records about all agricultural and other properties in the villages are to be maintained by the *gopas* and the *sthānikas*, who work under the *samāhartṛ* and are in no way connected with the *sītādhyakṣa* (2.35.1-5). It is therefore not true that the *sītādhyakṣa* is to be thought of as the officer who controls all agricultural operations in the state.

Besides, there are clear indications in the text about private ownership of land. The *kṣetrika*, the owner of the field, is distinguished from the *upavāsa*, the tenant (3.10.8). Again, in connection with disputes regarding boundaries between two fields, it is stated that if neither party can prove its claim, the disputed portion is to go to the king; similarly, land, the owner of which cannot be traced (*pranaṣṭasvāmikam*), is also to go to the state (3.9.15-17). The word *svāmin* used here can hardly be understood to mean only 'one who is in possession.' Again, *kṣetra*, that is, a field or land figures among property, the sale of which is governed by certain regulations (3.9.3). The sale (*vikraya*) of land is also referred to for purposes of restricting the transaction to persons of the same category, by tax-payers to tax-payers and by grant-holders to grant-holders (3.10.9). Now, the right of alienation by sale is a well-known characteristic of ownership. From the sale the state gets only the sales-tax (3.9.5-6). From 2.1.10 it might be deduced that if the cultivator fails to till the land given to him, it

9 See E. H. Johnston, JRAS, 1929, pp. 90-91.

may be taken away from him and given to another person by the state. But that refers to state lands that are distributed at the time of new settlements. There is no indication in the text regarding the steps to be taken when land revenue is not paid. Apparently, the *pradeṣṭṛs* are to manage enforcement of payment (2.35.7). But there is no suggestion that land is to be taken away from a defaulter and given to another, as we would naturally expect in a situation where all land belongs to the state.

In support of the view that all land belongs to the state, Breloer refers to the rule that everything found in the earth, ores, minerals, treasures etc., belongs to the state.[10] It is true that mines are clearly owned by the state. But it is doubtful if that proves anything about ownership of agricultural land. As to treasures, it is only such treasures as are unclaimed by anyone in a legitimate manner that become state property. For it is expressly stated that a citizen of the country should receive the entire treasure belonging to his forefathers after producing adequate proof of his right to it (4.1.54). One may grant that the king's dominion or sovereignty extends over the entire territory of the kingdom. But without detriment to that sovereignty, the subjects, it seems, can own various kinds of property, including even land. It is possible that the rule that all land belongs to the king reflects an earlier stage in the development of society when all land was the property of the entire tribe and the king as the chief representing the tribe was regarded as the owner of the land. But when over the generations individual families continued to hold and till the same separate pieces of land, a vested interest was created, which practically amounted to ownership of the separate pieces of land. Then the rights of alienation came to be recognised. The present text reflects this state of affairs. At any rate, it cannot be maintained that even according to it all land belongs to the king.

The text recommends gifts of land to priests, preceptors and others as ' grants to Brahmins ' (*brahmadeyāni*), which are to pass in inheritance to persons belonging to the same category (2.1.7). Such lands are distinguished from tax-paying lands (3.10.9). What the gifts amount to, therefore, is exemption from state dues and unrestricted and continuous use of the produce of the lands. In the same sūtra grants of lands are recommended to *adhyakṣas*, accountants and other lower officers, without the right of sale or mortgage. This means that they have only the usufruct of the land, neither full ownership nor exemption from taxes. Neither of the two types of grants corresponds to the

10 KSt, III, p. 86.

jagirs of later days, much less can they be said to establish feudal relationships.

The best land is *adevamātṛka* 'not dependent on the god (of rain)' (6.1.8), implying plenty of natural resources of water, like rivers, lakes etc. When these are insufficient or lacking, irrigation becomes necessary. Hence, *setubandha* or irrigation works form an important activity of the state. The word *setu* refers primarily to the embankment or dam which is built for holding water. Two types of *setu* are distinguished, the *sahodaka setu* and the *āhāryodaka setu* (2.1.20). The former appears to refer to tanks, wells etc., which are fed by natural springs of water, while the latter seems to imply the storing of water in reservoirs by means of embankments. Of the two, the former is declared to be preferable to the latter (7.12.4-5).

Though irrigation is looked upon as a state activity, privately owned irrigation tanks are also thought of. There is, for example, the rule that the ownership of a tank is lost if it is not used for five years, except in times of distress, another that a person is free to sell or mortgage his tank (3.9.32,34). At the time of new settlements, it is recommended, co-operative effort should be encouraged to get new water-works built, forcing members, if necessary, to contribute their share of labour and expenses (2.1.22-23).

Information about agricultural operations is found in the Chapter in which the duties of the *sītādhyakṣa* are laid down. Operations on private lands may be supposed to be carried out on more or less similar lines, except that private farmers would not have the services of *daṇḍa-pratikartṛs* available to them. It is stated in the Chapter that what cannot be directly cultivated by the state should be leased out to crop-sharers. These may be either *ardhasītikas* who retain half the produce for themselves, or *svavīryopajīvins* who can keep only one-fourth or one-fifth of what they produce (2.24.16). There is little doubt that in the former case, the cultivators are to bring their own implements, bullocks, seeds, labourers and so on, while in the latter case, the tenants depend on the state for implements, seeds etc. Though these rules about lease are stated in connection with the working of crown lands, it may be presumed that similar arrangements could be made by private owners concerning their own lands.

For labourers on land, the wage fixed is one *paṇa* and a quarter per month over and above the food they get for themselves and their families. The same rate applies to workers in vegetable gardens, fruit orchards, flower-gardens, and to herdsmen (2.24.28). In another place it is stated that when no prior agreement as to wages is made, the tiller is to get one-tenth of the crops and the herdsman one-tenth of the

butter produced from the herd in his charge (3.13.28). In this case, no food rations are allowed.

It is not easy to see how much direct control the state is expected to exercise in normal times over agricultural operations on private lands. The state is no doubt required to maintain, through the *samāhartṛ* and his assistants, a full record of all agricultural holdings, with details about the different types of fields and the crops raised in them (2.35.3). The state is also expected to keep a strict watch over the sowings and the harvesting of crops, in order that it may not be cheated of its legitimate dues (2.22.11-14). The statistics collected by state officers are necessary for purposes of assessment of land revenue. Breloer has pointed out that the collection of statistics by a host of officers from the village level upwards has been a constant feature of India's land economy.[11] This has been necessary because of the dependence of agriculture on rain and the uncertainty about the produce.

Normally, it seems, the farmer decided for himself what kind of crop to raise and on how much land. But in times of emergency the state may direct sowings according to its own needs, supplying, if necessary, the required seeds. A strict watch over the crops as they ripen and are harvested is in this case still more necessary (5.2.8-13).

Agriculture yields what is probably the most important part of state revenue. It comes in the form of either *sītā*, i.e., the produce of crown lands and *bhāga*, i.e., one-sixth share of the produce of other lands. Though that is not directly stated, it may be supposed that the state's share was divided on the threshing floor.[12] It is also possible to suppose that the farmers themselves brought this share to the state granaries.[13] It may be pointed out that the *gopa* and the *sthānika*, the assistants of the *samāhartṛ*, do not appear to be concerned with the actual collection of land revenue. That appears to be the responsibility of the *pradeṣṭṛ*s, one of whose functions is *balipragraha*, which can only refer to the receiving of state dues (2.35.7). Among taxes included under the head *rāṣṭra* or the countryside, *kara* and *bali* appear beside *bhāga* (2.6.3, 2.15.3). These, too, may be supposed to fall mostly on the farmers. There is some confusion in the use of these words. Usually *kara* indicates any tax, *daṇḍa* and *kara* being represented as the two main sources of state income (1.13.3 etc.). Ordinarily, therefore, *bhāga* would be supposed to be included in *kara*. When *kara* is mentioned beside *bhāga*, it may be understood in the restricted sense of a tax on income payable in cash. Similarly, *bali* in *balipragraha*

11 KSt, III, pp. 15-19.

12 Cf. E. H. Johnston, JRAS, 1929, pp. 96-97.

13 This appears from the evidence of the Jātakas. Cf. R. Fick, *Die Sociale Gliederung* etc. (English translation), pp. 116-117.

appears to stand for all state dues. But it is also mentioned along with *bhāga* and *kara*. It may then be understood to mean some sort of an occasional levy.

Besides the land-tax, there is the *udakabhāga* 'a rate for water.' This is charged when water from irrigation works is used and ranges from one-fifth to one-third according as water is lifted by hand or with the aid of bullocks or by some mechanical contrivance (2.24.18). The water-rate is to be charged even when the water-works belong to the owner of the field (*svasetubhyaḥ*). The water-rate is obviously over and above the *bhāga* or share of one-sixth. And the one-fifth to one-third means that so much part of the produce is to be paid as water-rate in addition to the one-sixth paid as land-revenue. It is true that when one-third is understood as the water-rate, the total, with the addition of one-sixth, comes to one-half of the produce, which might appear exorbitant. But there seems little doubt that this is the idea meant in the text.[14] Exemption from taxes, that is, evidently from the payment of the *udakabhāga* or water-rate. is to be allowed for five years in the case of a newly-built tank, for four years in the case of a ruined tank that is renovated, for three years in the case of a tank overgrown with vegetation that is cleared and so on (3.9.33).

In connection with the *setus* built in new settlements it is laid down that their by-products such as fish, vegetables and so on belong to the state (2.1.24). This is evidently because land there belongs to the state. It may be presumed that in the case of private *setus*, such by-products would belong to their owners.

Land which cannot be used for agriculture because it is unsuited for it is called *bhūmicchidra* 'a weakness in the land, i.e., inferior type of land.' It is to be used either for pastures or forests (2.2.1ff.). Two kinds of forests are distinguished, the *dravyavana* for various kinds of forest produce and the *hastivana* as a sanctuary for elephants. The latter has little economic value, the elephants being mainly intended for purposes of war (2.2.13-14). The principal produce of the *dravyavana* would appear to be timber and wood of all kinds as well as base metals like iron, copper, lead etc. (2.17.4ff.). There can be no doubt that both kinds of forests belong to the state. It is laid down that a separate forest should be planted for each different type of produce (2.2.5). In fact, the Chapter (2.2) creates the impression that entirely new forests are to be planted when a new state is carved out of unoccupied territory.

Quite a substantial income may be supposed to come to the state from its forest wealth. There is a special store-house in the capital

14 Cf. U. N. Ghoshal, *Contributions to the History of the Hindu Revenue System*, p. 33; M. H. Gopal, *Mauryan Public Finance* (London, 1935), pp. 71-73.

for forest produce (2.5.1,5). It seems that some of the raw material produced in the forest is to be turned into finished articles in factories established for the purpose. Such articles would include wood-ware, metal-ware, earthenware, ropes, cane-ware and so on. Some of the articles made of metals are intended for the defence of the city, and may therefore be supposed to consist of swords, spears and other weapons (2.17.17). In fact, quite a large amount of defence material may be supposed to be manufactured from the various kinds of forest produce. For, the officer in charge of the armoury is expected to be thoroughly conversant with the raw materials from the forests and their qualities (2.18.20). The manufacture of these finished products and in particular of defence material must be supposed to be a state monopoly.

As to pastures, it seems that all grass-lands belong to the state. The *vivītādhyakṣa* 'the superintendent of pastures' is responsible for laying out grass-lands, providing wells, tanks etc. for the purpose, also for planting fruit-orchards and flower-gardens in the area. The safety of cattle grazing in the pastures and the protection of caravans passing through the areas under his control are also to be ensured by this officer (2.34.6-8). It seems that pasture-lands are intended to be leased out to herdsmen, who may also make a living by cutting and selling the grass (3.10.21). It is these persons who are allowed to charge for damage caused by unauthorized cattle straying on their pasture-lands (3.10.22-24).

The state is the owner of large herds of cattle and other animals, with the *go'dhyakṣa* 'the superintendent of cattle' in charge. It need hardly be added that cattle are owned privately as well. This is clear from the reference to cattle entering royal herds in times of danger, when a fee of one-tenth of their produce is charged for the protection given (2.29.7). That is also shown by the punishment prescribed for owners of cattle as distinguished from herdsmen, when damage is caused to crops etc. by cattle (3.10.26-27).

The *go'dhyakṣa* is to maintain a complete record of each animal in every herd belonging to the state (2.29.8-11). Similarly, a record of all animals owned by private individuals is to be maintained by village and district officials under the *samāhartṛ* (2.35.4). Thus a complete record of the entire cattle wealth in the state is ensured. Cattle are of importance for two reasons. The males are necessary for draught purposes in agriculture and transport and the females supply milk, which with its products is a valuable source of food. The hides, too, are useful for the manufacture of leather goods. The text refers to meat, fresh and dried, as an item of food. But it nowhere creates the impression that animal herds are to be reared for their meat.

Two ways in which herds may be got tended are mentioned. According to what is called the *vetanopagrāhika* system, a herd of one hundred milch-cows is given for tending to a group of cowherds and their assistants, each of whom is paid a wage in cash; the entire produce of the herd is to be handed over to the state (2.29.2-3). According to the other *karapratikara* system, a herd of one hundred cows of all ages but containing only twenty milch-cows is given to one cowherd who pays to the state a fixed amount of ghee per year (2.29.4-5). The cowherds are held entirely responsible for the care and protection of the cattle in their charge. Very detailed rules are laid down about this (2.29.12ff.) as also about the proper time for milking cows and buffaloes, the quantum of fodder for them and so on (2.29.31ff.).

Except for state-owned herds, cattle as such may be supposed to provide little direct income to the state. The latter does not appear to claim the labour of privately owned bullocks or the produce of privately owned cows. In times of emergency, what the state demands is a part of the animals themselves, one-tenth of the animals owned being so claimed in the case of cattle, one-sixth in the case of goats and other small animals, and as much as one-half in the case of fowls and pigs (5.2.27). In any case, cattle-tending seems to contribute much less to the economy of the state than agriculture and trade.

Provision of routes for trade purposes is another important state activity. All trade is to be under state control, with the *paṇyādhyakṣa* 'the superintendent of trade' in charge. He is to fix the prices of the various commodities after taking into consideration such factors as investment of capital, interest charges, duties paid, rent and so on (4.2.36). A profit of five per cent on indigenous goods and ten per cent on foreign goods is to be allowed, heavy fines being prescribed for exceeding these limits (4.2.28-30). Cornering of a particular commodity and forcing its price above that fixed by the state involves the very heavy fine of one thousand *paṇas* (4.2.19). When there is a glut of any commodity, the *paṇyādhyakṣa* is to intervene and centralize the sale of that commodity so that the price does not slump (4.2.33-35). Apparently, this means that the entire supply is purchased and its sale carried out through the agency of the state at the fixed price. All in all, the text reveals a definite attempt to strike a reasonable balance between the interests of the state, the traders and the customers. Often, however, the interests of the customers are regarded as supreme (4.2.27,35). Another officer, the *saṁsthādhyakṣa* 'the superintendent of markets' is there to look after the customers' interests and see that the traders or artisans do not cheat them by fraud in weighing and measuring or by supplying inferior quality or different make of goods

(4.2.3ff). It is also his duty to see that secondhand goods, *purāṇa-bhāṇḍa*, sold in the market, are not stolen property (4.2.1).

Apart from the trade in private hands, the state itself is to engage in trade on a fairly extensive scale. This is natural in view of the fact that the state receives a large part of its income in kind and that it itself manufactures a large variety of commodities. State trade is in the hands of the *paṇyādhyakṣa*. He has, therefore, to be an expert in determining the value of the various commodities and must be always thoroughly posted with the position of supply and demand with respect to each one of them. He is to fix the prices, raising or lowering them according to the availability of the goods, always keeping in mind the customers' interests (2.16.1-3).

State goods, called *rājapaṇya*, may be *svabhūmija*, indigenously produced, or *parabhūmija*, produced in foreign lands. The latter implies that the state is to engage in import trade as well. Indigenous goods belonging to the state are to be sold in one place, by which is obviously to be understood the capital where all state stores are located. Foreign goods are to be sold in different centres. In both cases, the interests of the customers are to influence the fixing of the selling price. A large profit, it is stated, must be avoided if it is harmful to the subjects (2.16.4-6). The purpose in concentrating the sale of indigenous state goods in one place is to avoid competition with private traders dealing in those goods. The sale of imported goods in different centres, on the other hand, is determined by the consideration that such goods may not otherwise be available in out-lying regions of the state.

State goods are normally to be sold by state servants (2.16.14-16). But the aid of private traders may also be sought for the purpose. In that case, the traders are required to pay *vaidharaṇa*, a sort of compensation fee, to make up for the loss of profit which the state would have earned by sale through its servants (2.16.8-9). It is stated elsewhere that traders selling goods on commission are to receive the price of one-tenth of the goods sold by them if their remuneration is not fixed beforehand (3.13.28). This seems to apply, not to traders selling state goods, but to agents of private traders.

The *paṇyādhyakṣa* is also to arrange for the export of state goods to foreign lands. When undertaking such a venture, he is to take into consideration all factors such as expenses of the journey, duties that may have to be paid, prevailing prices in the different places and so on and to determine beforehand if profit can be made for the state. He may also investigate the possibility of bartering state goods for those from foreign lands, *paṇyapratipaṇya* (2.16.18-24).

The import of goods from foreign lands is to be encouraged in every way. Exemptions from duties may be allowed to shippers and caravans bringing in foreign goods, so that they may be enabled to to make a profit. Similarly, immunity from suits connected with money matters may be granted to foreign traders except from such suits as are filed by their partners or assistants (2.16.11-13).

Normally, all imported goods are liable to duty or *śulka*, which is to be collected at the city-gates, each of which is to have a custom-house with four or five officers in charge, all of them under the *śulkādhyakṣa* 'the superintendent of custom' (2.21.1-2). However, *śulka* refers not only to custom duties on imports and exports, but also to excise duties on indigenous products. The former seems to be called *praveśya* and *niṣkrāmya śulka*, the latter *bāhya* and *ābhyantara śulka* (2.22.1-2). Excise duties are apparently to be collected at the gates when goods are taken out from the city to the country or brought from the country to the city for sale. There is a definite rule that goods are not to be sold at the place of their production, and fines are prescribed for purchasing metals etc. directly from mines, or flowers, fruits etc. directly from the gardens, or grains directly from the fields (2.22.9-13). Obviously the object is to control the turnover of all goods, so that duty is not evaded. The lists of dutiable articles include practically everything, from flowers, vegetables, fruits etc. on the one hand to diamonds, pearls and other precious stones on the other (2.22.4-7). Many items may be supposed to be indigenous products, while some may be regarded as foreign imports. Apparently, the rates of excise and custom duties do not differ; for, a single set of tariffs varying from one-sixth to one-twenty-fifth is mentioned, except that foreign imports are to be charged one-fifth of their value as duty (2.22.3-8). It is not clear if state goods are also to be charged excise and custom duties; they may be supposed to be exempt.

Details are given about the collection of custom duty on foreign goods. Merchants, who would be mostly coming in caravans, are first required to obtain an entry permit at a frontier post, where their goods are to be stamped and sealed, and where they pay a road cess (*vartanī*) for safe passage (2.21.24-26). Tampering with seals, making false declarations about the goods, trying to bypass the custom-house and so on are punishable offences (2.21.3-6). Imported goods are required to be sold to native traders at the gate itself at a price to be declared beforehand. If there is a competition among native traders for the goods and the price offered goes up, the state is to receive the excess over the declared price along with the duty (2.21.7-9). Thus a fair deal is ensured to the foreign merchant, who in any case would have to sell his goods to some native trader; at the same time he is

not allowed to make a profit over and above what he himself had originally expected out of the deal. The selling price would, of course, be fixed after taking into consideration the higher price paid by the native trader.

Certain commodities are to be allowed duty-free. Goods required for a marriage or a sacrificial or other sacred rite and goods intended as gifts are not to be charged any duty (2.21.18). It seems that the import of arms of all kinds as well as of jewels, grains and cattle is to be duty-free ; on the other hand, the export of these goods may be prohibited if circumstances necessitate it (2.21.22-23). As a general rule it is added that goods which are of great benefit to the state and seeds of rare kind should be allowed to come in duty-free (2.21.31).

In the matter of the various trade-routes, Kauṭilya, differing from the earlier teachers, has expressed the view that a land-route is to be preferred to a water-route. He argues that the former is open in all seasons and is fraught with comparatively fewer dangers, which, moreover, can be easily overcome (7.12.18-20). Again, he expresses himself in favour of the route to the south as against the Himalayan route preferred by the earlier teachers. He regards the southern route as more profitable since it brings in many valuable commodities like pearls, diamonds, conch-shells and plenty of gold (7.12.22-24). It would not be unreasonable to conclude from this that trade with the south was negligible in the days of the earlier teachers, but had become more common and more profitable in Kauṭilya's days.

When goods are brought along water-ways, they are to pay the duty and other charges at the ports. The state is to maintain a fleet of boats which may be let out on hire to traders and fishermen. But, of course, these are free to have their own boats (2.28.3-5). All state boats are in charge of the *nāvadhyakṣa* 'the superintendent of ships.' One of his principal duties is to provide ferries for the crossing of rivers, particularly in the monsoon. For ferrying across a river the text lays down a regular tariff (2.28.21-23). When ferries operate on rivers that form the boundaries between two states, the recovery of custom duties, road cess and convoy charges from foreign merchants is to be made at the ferry wharf (2.28.25).

A feature of the inter-country trade was the journey by traders in caravans (*sārtha*). Traders in those days could move from one region to another only in groups because of the danger of being looted on the way by forest tribes and dacoits. Inside a state's boundaries, it is regarded as the state's duty to protect the caravans. The state is allowed to charge a kind of road cess called *vartanī*, which is collected by the officer at the frontier post. In return, this officer is made responsible for any loss suffered by the caravan on its way to the capital

(2.21.24-25). However, the responsibility for the loss suffered by a caravan appears distributed over a number of officers. If a caravan loses anything overnight in a village, the headman is required to make good the loss. If the loss occurs in regions between villages, the *vivītādhyakṣa* is held responsible; if it occurs outside the latter's jurisdiction, an officer called *corarajjuka* is required to make good the loss (4.13.7 10). Apparently, it was the special duty of this officer to track down robberies in jungle fastnesses. In addition to *vartanī*, there is a reference to *ātivāhika*, that is, escort charges (2.16.18, 2.28.25). In this case, we may suppose that the state supplied an armed escort to accompany the caravan from the frontier post to the capital. All these regulations are obviously thought necessary in order to encourage trade between different countries. With the same object in view concessions as well as exemptions from civil suits are recommended in the case of foreign merchants (2.16.11-13). The text also provides for the punishment of the leader and other members of the caravan if they leave any of their members stranded on the way, whether in a village or in a forest (3.20.18). Corresponding to the caravans on land are what may be called convoys of ships on water-ways, particularly on sea. This is *saṁyāna* 'going together' an expression which usually refers to voyage by sea.

Weights and measures used in trade are to be manufactured by the *pautavādhyakṣa*, responsible for their standardization (2.19.1). Apparently, the private manufacture of these is not to be allowed. Details about the different weights and measures and weighing machines are given. A large number of balances called *tulā* are described. From the description it appears that these are not the usual pairs of scales, but are rather balances of the steelyard type, with two unequal arms, one marked with figures from zero to one hundred to indicate the weight in *palas* of the article suspended from the other end (2.19.12-16). The text mentions also the prices at which the weights and measures are to be sold to traders (2.19.36-39).

A curious feature of the weights and measures is that different standards appear intended for different purposes, one for measuring goods received in the treasury (*āyamāna*), another, a lower one, for use in trade (*vyāvahārika*), a third, lower still, for payments to be measured out from the treasury (*bhājana*) and a fourth, lowest of all, for deliveries to be made to the palace (*antaḥpurabhājana*) (2.19.21-23, 29). The intention apparently is to secure a double advantage to the state, which receives payments by a larger measure but pays out with a smaller one. The still smaller measure for deliveries to the palace might enable the king to plead that if the state paid out by a measure smaller than the revenue measure, he himself received by a still smaller

measure. It is, however, also possible that *antaḥpurabhājana* refers to payments by the palace, and not to it. In that case, the palace would be the highest beneficiary under this complicated scheme. It may be noted that in ancient Egypt during the third to fifth dynasties in the Old Kingdom, there was, besides the normal ell of 450 mm., a 'royal ell' which was one-sixth more or 525 mm.; and things for the king were measured by the longer ell.[15]

Weights and measures are to be inspected every four months. An inspection fee is prescribed at the rate of one *kākaṇi* or one-sixty-fourth part of a *paṇa* per day, which comes to about two *paṇas* for the four-month period (2.19.40-42).

Coins are to be manufactured by the *lakṣaṇādhyakṣa*, whose name contains a reference to the *lakṣaṇa* or mark such as is found on punch-marked coins. Four silver coins of the denominations of 1 *paṇa*, 1/2 *paṇa*, 1/4 *paṇa*, and 1/8 *paṇa*, each containing eleven parts of silver, four parts of copper and one part of some hardening alloy, and four copper coins of the denominations of 1 *māṣaka* (equal in value to 1/16 *paṇa*), 1/2 *māṣaka*, 1 *kākaṇī* (equal in value to 1/4 *māṣaka*) and 1/2 *kākaṇī*, each containing three parts copper and one part hardening alloy, are mentioned (2.12.24). There is no mention of any gold coin in the text.

Two kinds of currency (*paṇayātrā*) are thought of, one for use in trade (*vyāvahārikī*) and the other for receipt in the treasury (*kośa-praveśyā*) (2.12.25). It may be assumed that the latter has a slightly higher content of the principal metal. It is the *rūpadarśaka* 'the inspector of coins' who is to look after the circulation of currency. He is made liable to punishment if he were to upset an established currency (*sthitā paṇayātrā*) or to allow an irregular currency to circulate (4.1.44-46). This implies that currencies other than the official one are also to be allowed. It seems that big merchants or merchant guilds could get their coins with their own marks stamped elsewhere than at the royal mint. The text, no doubt, mentions a fine of twenty-five *paṇas* for the minting of coins in another place (2.12.26). But that seems to work out merely as a sort of license fee for minting coins elsewhere.

Various charges are mentioned in connection with currency, namely, *rūpika* at 8 per cent, *vyājī* at 5 per cent and *pārīkṣika* at 1/8 per cent. The *rūpika* seems to be a charge for minting coins for private agencies. As to *vyājī* it is usually a surcharge on the price of an article and appears to be a sort of sales-tax. In the present case, 5 per cent

15 See Eduard Meyer, *Geschichte des Altertums*, 5th edition, Vol. I, Part 2 (Berlin, 1926), p. 195.

of the coins issued by the state would be charged to those receiving the coins. It is stated, indeed, that a currency is valid only when the *vyājī* has been paid (4.1.45). The *pārīkṣika* is, of course, the inspection fee. The *rūpadarśaka* makes himself liable to a fine for allowing a diminution in the metal content of a currency (4.1.46).

It is clear that trade, both private and that carried on by the state itself, would be yielding a substantial income to the state.

Apart from these sources of income rooted in *vārttā*, more income is expected from other state activities which are mentioned. The chief among these are mining and the manufacturing industries. The importance of mines is stressed in the statement that the treasury depends on mines, that the army is sustained by the treasury and that the earth is conquered by means of the treasury and the army (2.12.37). The starting of new mines and the renewal of old discarded ones is thus an important state activity, in charge of the *ākarādhyakṣa* 'the director of mining'. He has to be an expert in *śulbaśāstra*, geology, and *dhātuśāstra*, metallurgy (2.12.1). He is to make a survey of all regions where mineral deposits are likely to be found and start new mines and renovate old ones.

The most important metals to be looked for in this way are gold and silver. The characteristics of gold and silver ores of different types are described at length (2.12.2-6). The text also describes the process of refining gold and silver (2.12.8-11). Other metals to be mined are copper, lead, tin, iron and *vaikṛntaka*; the characteristics of their ores are also described (2.12.12-16). Mines for precious stones like diamonds, rubies etc. are, of course, to be understood (2.12.17). Finally, there are the salt-mines, supervised by the *lavaṇādhyakṣa* (2.12.28).

It is stated that those mines are best which yield rich ores, are easily accessible and capable of being operated at a small cost (7.12.13). But while the ancient teachers were of the view that a small mine yielding products of high value such as diamonds etc. is to be preferred, Kauṭilya expresses himself in favour of a large mine even if it yields products of comparatively small value. He rightly argues that the latter command a continuous sale, while articles of high value find few purchasers (7.12.14-16).

All mines are clearly state property, but not all of them are to be worked directly by the state. In fact, it is stated that a mine costly in its working should be leased out for a fixed share of the output, *bhāga*, or for a fixed rent, *prakraya*, and that only a light mine should be worked by the state directly (2.12.22). So far as salt-mines are concerned, these seem to be all intended to be leased out for a share

or on hire (2.12.28). Workers in the state-run mines may be supposed to belong to the same categories as the workers on crown lands, namely, *dāsa*, *karmakara* and *daṇḍapratikartṛ* (2.24.2). In addition, those disgruntled with the regime are to be posted in the mines (1.13.21). Men of the officers' grade seem to be meant here, since it is stated that their wives and children should be held as hostages, the precaution being intended to prevent the men from going over to the enemy.

It is laid down that the produce of the various mines should be turned into articles of use in the respective workshops or factories, *karmāntas*. The manufacture of articles from metals other than gold and silver is the concern of the *lohādhyakṣa*, who is also in charge of their sale (2.12.23). Another officer, the *khanyadhyakṣa*, is in charge of the manufacture of articles from precious stones and their sale (2.12.27).

Far greater importance, however, is attached to the manufacture of articles from gold and silver, which is under the supervision of the *suvarṇādhyakṣa*. One Chapter (2.13) describes at length the process of refining the metals, of testing their quality and of the manufacture of various kinds of ornaments from them. Another Chapter (2.14) similarly describes the duties of the *sauvarṇika*, the royal goldsmith, who manufactures gold and silver articles for the people in a special workshop in the market-place. Employees in these workshops are naturally to be subjected to a strict supervision. Precautions against fraud of various kinds practised by artisans are indicated in the text.

In 2.12.35-36, there is a list of twelve kinds of income which, it is said, is derived from the mines. These are : (1) *mūlya*, price, (2) *bhāga*, share, (3) *vyājī*, a sort of sales-tax, (4) *parigha*, the exact nature of which is not clear, but which appears to be a kind of protective duty, (5) *atyaya*, penalty for violation of state monopoly, (6) *śulka*, custom duty (in the case, for example, of imported salt) or excise duty, (7) *vaidharaṇa*, compensation for transfer of state rights of sale to private individuals, (8) *daṇḍa*, fine, (9) *rūpa*, which seems to refer to the inspection fee of 1/8 per cent, (10) *rūpika*, which appears to be a charge for manufacture at 8 per cent of the price, (11) *dhātu* 'metals' and (12) *paṇya* 'commodities' manufactured from them. It is quite obvious that mining and the industries based on it are expected to be a valuable source of state income.

In an appraisal of the present work D. D. Kosambi has remarked, "The writer knew the value of heavy industry as few in India had grasped it before the present century."[16] It is very doubtful if such

16 *An Introduction to the Study of Indian History* (Bombay, 1956), p. 208, also JBBRAS, XXVII (1951), p. 206.

a claim can justifiably be made for an author of so early an age. Heavy industry as understood in the present century would appear to be inconceivable before the advent of the machine age and the industrial revolution. Iron, steel and coal are generally regarded as the basic heavy industries. But though the text refers to mining as an important state activity, it nowhere stresses the importance of iron and steel. The Chapter on mining, 2.12, is largely devoted to gold and silver ores and disposes of iron ore in a single sūtra (2.12.15). And while the text devotes two Chapters to the manufacture of gold and silver articles (2.13 and 2.14) it contains not a single sūtra concerning the process of manufacturing steel or the articles to be made out of it. It merely refers to factories to be started for the manufacture of articles of copper, lead, tin, brass, bronze etc., along with steel and iron (2.12.23). There is no emphasis on articles of steel and iron. Mining is, no doubt, declared to be the source of the implements of war (7.14.25). But that can hardly be understood to mean that it is given a place of eminence in state economy. And when the treasury is said to come from mines (2.12.37), it should be remembered that the best treasury conceived in the text is one that mostly contains gold and silver and various kinds of big jewels and cash (6.1.10). Of other heavy industries of modern times like electrical and so on, one naturally cannot expect to find any mention in the text.

An industrial activity, of which many details are found, is the manufacture of textiles. Though there is no indication that this is intended to be a state monopoly, there is little doubt that the state is expected to engage in this industry on a large scale. The officer in charge, the *sūtrādhyakṣa*, is to get yarn spun from wool, bark-fibre, cotton, hemp and flax by women, especially those without support. Their wages are to be fixed according to the quality of the yarn (2.23.2-3). Women from respectable families, who are not used to going out for work, may be allowed to spin in their homes (2.23.11). There are to be separate factories for weaving different types of cloth, cotton, linen, silk etc. (2.23.8-9). There is a reference to the manufacture of *kaṅkaṭa* or armours in separate factories (2.23.10). And the *sūtrādhyakṣa* is asked to look after the manufacture of ropes, thongs and straps, useful for carts, chariots etc. used in the fighting services (2.23.18-19). It seems quite likely that this officer was originally concerned mainly with the manufacture of clothing and equipment for the army, as Breloer has suggested.[17]

An industry definitely concerned with the equipment of the army is the manufacture of chariots. The *rathādhyakṣa* is to get various

17 KSt, III, pp. 471-473.

kinds of chariots and carriages built, most of them useful for fighting, but some of them intended for use on ceremonial occasions (2.33.3-5).

All in all there does not seem to be much scope left for private enterprise in industry. What may be regarded as belonging to this sphere is the activity of some of the artisans and craftsmen. There are, in the first place, those who are called *kāruśāsitṛs*, who appear to be master artisans, employing a number of artisans to do the actual work for the customers. The workmen may be supposed to get only a wage, the master artisan keeping the profit made out of the work. There are, on the other hand, *svavittakārus*, who appear to be artisans working independently with their own capital and in their own workshops. In the latter case, the guild (*śreṇī*), to which the artisan must be supposed to belong, is to stand guarantee to the customer for loss, damage etc. caused by the artisan (4.1.2-3). That every craft has its own guild may be assumed, though the constitution and functions of the guild are not precisely stated anywhere.[18]

The state is expected to exercise strict control over the artisans' work. The text makes such lapses by the artisan as delay in the delivery of the article, failure to carry out the customer's instructions, offences punishable by the state (4.1.5-7). It lays down the percentage of increase or decrease in the raw material during the process of manufacture, to which the artisans must conform (4.1.8-9,13,36ff.). It also lays down a scale of wages for the different categories of artisans (4.1.10,22,32,40,42). The most serious offence of the artisan is, of course, appropriation of the material given by the customer for manufacture and denial that it was ever received by him. That offence is dealt with in the legal section on deposits. A number of tricks are described there for finding out if the artisan had really received the material. If that is proved he is to be punished as a thief (3.12.35-51).

A number of legal sections in Book Three are concerned with matters largely connected with trade and industry. There is the section on debts (3.11) in which are laid down rules governing the rates of interest, loans with or without mortgage, the recovery of loans, the liability for the loans contracted by others and so on. Another section (3.12) deals with the use and misuse of a pledge, the liability to return it and so on. The liabilities of the sales-agent, *vaiyāvṛtyakara*, are also laid down in the same section (3.12.25-30). Rules governing the revocation of a sale or a purchase are stated in another section (3.15). The law of partnerships, which is dealt with in another section (3.14.18ff.), lays down rules about the liability of the partners in

18 Cf. R. C. Majumdar, *Corporate Life in Ancient India* (Calcutta, 1922), pp. 25-82.

different circumstances, the quantum of their share, cheating by partners and so on.

There is finally the section on *dāsa* and *karmakara* (3.13 and 3.14). The former refers to many types of 'unfree' men, who, as Breloer has pointed out at length,[19] are not the same as the slaves in ancient Greece. There is the right to be free on payment of a ransom amount which is earned by the work done for the master. Similar, but far more temporary, is the position of the *āhitaka*, a person pledged with the creditor when contracting a debt. The *dāsa*, it is obvious, can be owned by private individuals as well as the state. He is entitled to the same wage as the free worker, namely, one *paṇa* and a quarter per month over and above his board (2.24.28). That the number of *dāsas* must have been comparatively small is shown by the fact that even in state enterprises free labourers are required in addition.

As regards the free workmen (*karmakara*) the law lays down the duties of the employers as well as the employees, making a violation of the rules a punishable offence. The text also refers to a *saṁgha* or a union of workmen, which deals with the employer and supplies workmen to him from amongst its members (3.14.12-17). It is quite clear that labourers are not without protection from the state for safeguarding their wages and other rights.

Referring to D. A. Suleikin's periodization of Indian history, V. I. Kalyanov had expressed the opinion that the present text reflects relations of production, economic institutions etc., characteristic of the period known as 'the downfall of the slavery society' which 'probably took place during the 1st to the 3rd centuries A.D.', which period saw the birth of feudalism in India.[20] In the article appended to the Russian translation of the text, he refers to the opinions of W. Ruben and Suleikin, who seem to find a 'slave-owning society' in this text, as well as to the opinion of S. Th. Oldenburg who finds in it a 'feudal society.'[21] Kalyanov himself sees in it signs of 'early feudal society.'[22]

By 'slavery society' or 'slave-owning society' seems to be understood a society like that in ancient Greece where a small number of citizens lived on the labour of large hordes of slaves. It is extremely doubtful if similar conditions ever obtained in India. W. Ruben has compared the state stores mentioned in this text with the stores and the adjoining workmen's quarters found at Harappa and has drawn

19 KSt, II, pp.30-60.

20 'Dating the Arthaśāstra' in Papers presented by the Soviet Delegation at the XXIII International Congress of Orientalists, Indian Studies (Moscow, 1954), p. 52 and p. 45.

21 'Arthashastra—Vazhneĭshiĭ pamyatnik indiĭskoĭ kulturi' appended to the Russian translation of the text, pp. 526 and 525.

22 *Loc. cit.*, p. 529.

the conclusion that the store-economy of the state has remained the same from the third millenium B.C. to the first millenium B.C., the only difference being that rice did not play the part in Indus culture which it plays in Kauṭilya. He has argued that at Harappa slaves must have been used for grinding, so also prisoners (*daṇḍadāsa*) as in Palestine and Egypt, and he thinks that the same was the case in the third century B.C. in Kauṭilya's day.[23] But whatever may have been the position in the Indus culture, it cannot be maintained that this text contemplates an economy based mainly on slavery. The Śūdras, who are the principal agricultural community as shown by 2.1.2, are no slaves. In fact, it is stated that no Ārya, a term which includes the Śūdras, can be a *dāsa* (3.13.1-4). The Śūdra must also have been the principal labouring class in trade and industry. There is no indication in the text that even in mines only slaves are to be used as was the case in ancient Greece. It is true that *dāsas* appear by the side of free labourers on state farms (2.24.2). It is probably this circumstance of the mention of free labourers beside *dāsas* that makes Suleikin speak in terms of the downfall or decay of the slavery society. But there is no reason to suppose that in any well-attested period things were materially different in India from those reflected in this work. D. D. Kosambi has argued that slavery of the Greek type did not develop in India because at the time of the invasion, the conquering Āryas had tribal property, not private property.[24] Whatever the reason there is no doubt that India did not know slavery of the Greek type in any historical period. Megasthenes, the Greek, was impressed by the contrast. He says (in Arrian), " All the Indians are free and not one of them is a slave. The Lakedaemonians and Indians are so far in agreement. The Lakedaemonians, however, hold the Helots as slaves, and these Helots do servile labour ; but the Indians do not even use aliens as slaves, much less a countryman of their own."[25] There is no valid reason to doubt this testimony, which so precisely brings out the contrast between conditions in Sparta and India in his day. The *dāsa* in India is not the same as the Greek *doulos* and was certainly no Helot.[26] The humane regulations about the treatment of the *dāsa* in this text which are ' probably unique in the records of any ancient civilization ' seem to have been in vogue in most periods of Indian history and need not be regarded as originating only in the Mauryan period, as Basham thinks.[27]

23 ' Über den altindischen Staat ' in AOr, XIX (1951), pp. 473-475.

24 ' On a Marxist Approach to Indian Chronology ' in ABORI, 31 (1950), p. 262.

25 J. W. McCrindle, *Ancient India as Described by Megasthenes and Arrian*, p. 68 and pp. 211-213.

26 Cf. B. Breloer, KSt, II, pp. 11-14, 68-69.

27 *The Wonder that was India*, p. 153.

The exact nature of the 'feudal society' into which slavery society is supposed to have been transformed in the early centuries of the Christian era and which is sometimes believed to be reflected in this text is not quite clear. It seems to be understood to refer to the stratification of society in the four *varṇas*.[28] A feudal social order, according to Baïkov, consists of the exploitation of the two lower *varṇas*, who are the producers of wealth, by the higher *varṇas*, with whom the state is in alliance and who enjoy the fruits of the labour of others. He admits that this feudalism was not of the same type as the feudalism of medieval Europe. Nevertheless, he insists that the economic relation between the lower class producers and the upper class enjoyers had a feudal character.[29] That there was exploitation of the labour of the lower classes, particularly of the labour of the large mass of Śūdras is not to be denied. But the term feudal seems to have been understood by Baïkov and others in a sense different from what it usually conveys in English. Moreover, there is no reason to suppose that such exploitation of the lower classes was a feature of the period commencing with the beginning of the Christian era. Already in the Brāhmaṇa works we have a reference not only to Śūdras but also to Vaiśyas as food (*ādya*) for the higher *varṇas*.[30]

Economic activity is expected to be under strict control mainly in order that state income may be safeguarded. State income is classified in the budget and accounts under seven heads: city, country, mines, irrigation works, forests, cattle-herds and trade-routes (2.6.1-8). The revenue from these comes either in the form of a tax or impost or profit made by state enterprises. All the different sources of income are together called the *āyaśarīra* 'the body of income' (2.6.9). These are then re-classified under seven other heads called *āyamukha* 'the source of income.' These are (1) *mūlya*, price realized by the sale of state goods, (2) *bhāga*, share of goods produced by the subjects, (3) *vyājī*, a tax imposed on all sales, (4) *parigha*, a kind of protective duty for safeguarding state goods, (5) *kḷpta*, a fixed levy, apparently the one charged at ports on river-banks (2.28.2), (6) *rūpika*, a surcharge on manufactures, and (7) *atyaya*, penalties (2.6.10). It cannot be denied that this is not the classification of a scientific theorist, as U. N. Ghoshal has pointed out.[31] In fact, these things do not appear to have been thought out in the abstract by the author; he seems to have co-ordinated the views of earlier writers on the subject and actual practice as he was

28 I. P. Baïkov, 'Arthashastra—pamyatnik bolshoï istoricheskoï tsennosti', an article also appended to the Russian translation of the text, pp. 540-544.
29 *Loc. cit.*, p. 545.
30 Cf. Kosambi, ABORI, 31 (1950), p. 263.
31 *Contributions to the History of the Hindu Revenue System* (Calcutta, 1929), p. 26.

able to ascertain from personal inquiry. Nevertheless, the attempt at classification is not without significance.[32]

Expenditure is shown in the budget and accounts under fifteen heads, including the palace, the armoury, the armed forces and so on. This is called *vyayaśarīra* 'the body of expenditure' (2.6.11). The majority of items involve expenditure on state account; only a few may be regarded as constituting the privy purse of the king. There is no reference in the list to expenditure incurred on state enterprises like mining etc., probably because the revenue from these sources is net income calculated after deducting all expenses.

A large part of state revenue is received in kind. State stores for goods of all kinds are therefore a necessity. The construction of the stores is described at length (2.5.1-6). There are stores of all kinds, of grains, fats, sugar, salt, wines, spices, vegetables and fruits and so on, also forest produce and manufactured articles, including weapons. Part of the stores is made up of goods produced by state enterprise, the rest being state dues received in kind. The stores would be used for making part payment to state servants and others. What cannot be thus disposed of would be put up for sale. The stores also provide a convenient means of creating buffer stocks and preventing a wide fluctuation in prices. The *paṇyādhyakṣa* is expected to buy when there is a glut and sell when there is scarcity. The stores may thus be expected to exercise a great influence on state economy. Breloer, in fact, regards the *paṇyādhyakṣa* and the *koṣṭhāgārādhyakṣa* as the two pillars of the economic life revealed in this work.[33]

The importance of the treasury (*kośa*), which is one of the seven *prakṛtis* of the state, is quite obvious. In the dicussion on the relative importance of the *prakṛtis*, Kauṭilya, differing from one of the earlier teachers, has expressed his own opinion that the treasury is more important than the army (*daṇḍa*). The latter can be raised and maintained only with the help of a well-filled treasury. Besides, it helps in the pursuit of *dharma* and *kāma* (8.1.46-49). When for some reason, such as a costly military adventure, the treasury gets depleted, efforts become necessary for its replenishment. How this should be done is shown in Chapter 5.2. Among the measures recommended are: (1) A levy on agriculturists ranging from one-fourth to one-third of the stocks with them, according to the productivity of the soil (5.2.2). (2) If this is found insufficient, farmers are to be induced to grow crops as directed by the state and give part of the produce to the state (5.2.8-15). Meyer rightly compares this with efforts made by modern

32 Cf. Breloer, KSt, III, pp. 187-188.
33 KSt, III, p. 348.

states to increase production in times of war.[34] (3) A levy on traders ranging from 50 *paṇas* on dealers in gold, silver etc. to 5 *paṇas* on dealers in vegetables, cooked food etc. Even actors, singers and prostitutes are to pay half their income (5.2.17-25). (4) A levy on animal-breeders, ranging from half the stock of poultry and pigs to one-tenth of cattle, horses etc. Keepers of brothels are to augment the treasury through the earnings of beautiful and young maids supplied by the palace (5.2.27-29). (5) If these measures, too, do not suffice, contributions should be requested for specific undertakings and people should be pressed to contribute to their utmost capacity ; or, (6) rich men should be asked to pay according to their means, conferring on them titles, decorations and other honours in return (5.2.31-36).

These are more or less open demands made on the subjects. The Chapter goes on to describe a number of not so open and mostly quite dubious ways of replenishing the treasury. Thus, (1) the property of heretical *saṁghas* or of temples may be appropriated through the trustees, who are to give out that it is burnt down or lost (5.2.37-38). (2) The miraculous manifestation of a deity should be arranged and fairs and festivals started in its honour to provide a source of income to the state ; a number of ways in which the credulity of the people is to be exploited in this manner are described (5.2.39-45). (3) Secret agents posing as traders should receive deposits or loans on a large scale and get the whole 'stolen at night' (5.2.46-51). (4) The other measures recommended are to be used only against *dūṣyas*, those who are suspected of treason, and not ordinary citizens. These include confiscation of their property by getting them involved in some serious crime through state agents (5.2.52-69).

There can be little doubt that the measures described in this Chapter are intended to be used only in an emergency. B. Breloer, however, has argued that these are not special levies, but the usual taxes normally received by the state.[35] It is not possible to agree with this argument. The word used in this Chapter for the levies is *praṇaya* (sūtras 16, 26, 29). In the case of grains, the reference is to *aṁśa*, not *bhāga*, and the verb used is *yāceta* (sūtras 2, 3). These are not words used in connection with ordinary revenue. There is no doubt a reference to purchase of grains for money (sūtra 5) and the grant of grains, cattle and money to new settlers (sūtra 4). This quite legitimately raises the question, how can the king, who is in financial difficulties, purchase grains for cash ? The answer is that *kośa* here does not stand for cash only, but includes the state stores as well. It is stated else-

34 ZII, VII (1929), p. 203.
35 KSt, I, pp. 78-81.

where that *kośavṛddhi* includes abundance of grains (*sasyasaṁpad*) and abundance of commodities (*paṇyabāhulyam*) as well (2.8.3). There is also a reference in the same place to *kośadravyas* being given on loan or traded in (2.8.7-8). So it is possible to conceive a king being without a *kośa*, if he is lacking in any one or more of cash, grains and commodities, not necessarily lacking in cash only. Moreover, this Chapter describes how cash also may be collected by means of extraordinary measures (sūtras 31-36). It is not possible to look upon these measures as normal sources of revenue. The verb used in this connection is *bhikṣeta* or *yāceta*, which is inconsistent with the recovery of normal dues in cash. So, too, the demands made on traders, artisans and artists cannot be looked upon as normal income derived from them. And it is certainly impossible to believe that the devious ways of replenishing the treasury described in the latter half of the Chapter (sūtras 37-69) are recommended as normal sources of state income.

From this picture of a rigid control of the entire economic life in the state Breloer has drawn the conclusion that it presupposes economic planning by the state and that therefore we have in the text a description of what may be called a planned economy. He thinks that such planning is necessitated by the very circumstances that prevail in India, particularly the factors of climate and nature. And he points out that there is no trace of such a planned economy in European theories until recent times.[36] In a review of Breloer's work in the *Indian Historical Quarterly*, B. K. Sarkar has contended that economic planning is modern, post-war (post-1918), and was not and could not have been thought of by Kauṭilya. And he has charged Breloer with using a common-place category ' economic planning ' without distinguishing its old and new contents.[37] It must be conceded that modern economic planning has to be distinguished from the kind of planning visualised in this text. In the former, the state fixes a plan for economic development spread over a certain number of years, lays down priorities in the matter of development, allocates resources in men and capital in accordance with these priorities and watches over the progress of the plan in the various fields from year to year. In the *Arthaśāstra*, we do not find these things. What plan there is appears only in connection with the preparation of the budget and the fixing of the quantum of revenue expected from each type of economic activity, with control exercised mainly to ensure the recovery of this revenue. The emphasis in modern planning is on development, that in the *Arthaśāstra* is on control.

36 KSt, III, pp. 360-362.
37 IHQ, XI (1935), p. 347.

A more or less rigid control of the economy by the state has made its appearance in many lands at various times. Egypt is the classic land in antiquity of such rigid control. M. Rostovtzeff has described in great detail how economic life was controlled in Egypt under the Ptolemys.[38] There appear similarities with many things that we find in this text. For example, there was a very thorough system of registration of land, cattle, houses, produce and so on, there were state monopolies in oil, beer, salt, mining and so on, traders were concessionaires of government, wages and prices being fixed by the state, there was a thorough supervision over, and a full inspection of, every economic activity. But there was one great difference. All land in Egypt belonged to the king as the representative of the deity, and the whole economy was based on compulsory labour. Rostovtzeff says, "Ownership of the land by the king and compulsory labour for his benefit as the representative of the deity and the realm were the twin pillars supporting the fabric of the Egyptian state and of Oriental states in general."[39] It must be pointed out that the state as conceived in the *Arthaśāstra* cannot be included in this category. Believing, however, that the *Arthaśāstra* presents the same system of 'fiscalism as a consequence of absolute rule' and that Sandrakottos or Candragupta had introduced this system in his empire, Breloer seeks a common origin for its widespread prevalence from India to Egypt. He finds behind these things 'the towering figure of Alexander', though he admits that besides the idea of Hellenistic influence on India, the idea of Indian influence on Alexander also can be thought of, an influence through the Persian sources being a third possibility that is suggested.[40] It may be pointed out, however, that the 'fiscalism' of the Ptolemys was inherited by them from the Pharaohs and was not a creation of the Hellenistic period. And it is little likely that Alexander had anything to do either with introducing it in India, if it was really introduced here, or its introduction from India into the land of the Nile. In fact, a strict regulation of the economy is found to have been the rule "under the Byzantine Emperors, under Louis XIV, under the Hapsburgs and the Romanoffs."[41] And in these cases, the regulation was the result neither of any theory nor of the influence of another similarly regulated state.[42]

How far does the picture of economic life disclosed in the *Arthaśāstra* conform to actual conditions? There can be little doubt that

38 *The Social and Economic History of the Hellenistic World* (Oxford, 1941), Vol. I, pp. 259-407.

39 *Ibid.*, p. 271.

40 KSt, I, p. 110.

41 W. Lippmann, *The Good Society* (London, 1937), p. 11.

42 For a detailed consideration of this question, see F. Wilhelm, 'Das Wirtschaftssystem des Kauṭalīya Arthaśāstra' in *Journal of Economic and Social History of the Orient*, Vol. II (Leiden, 1959), pp. 294-312.

so far as the general pattern of that life is concerned, with its base in agriculture, cattle-farming and trade, supplemented by a few small industries, it has been true of India without any serious modifications till comparatively recent times. It seems also indisputable that some sort of control over agriculture and trade was always necessary in the interests of state revenue. Perhaps in industry too, particularly that connected with mining and salt, the state in India has enjoyed a monopoly as recommended in this text. But as regards the many taxes and levies, of which the text speaks and some of which are obviously unjust and liable to be oppressive, it cannot be definitely asserted that they were consistently imposed at all times everywhere in India. A great deal often depended on the particular ruler and on the conditions then prevailing in the particular state. It should be remembered that what the text states in the matter of taxation is primarily a theory, which, however, is quite capable of being put into practice by a strong ruler supported by an efficient administration. If the notice in Justin is to be believed, Candragupta, soon after his coming to the throne, became unpopular because of his oppressive taxation. Probably, high and comprehensive taxation was necessary for him for the expansion of his dominions. But there is nothing to show that Kauṭilya was directly associated with his taxation policy. As a matter of fact, the system of taxation recommended in this text cannot be said to be an innovation of Kauṭilya. It seems to have been derived from earlier sources. And Candragupta may well have relied on the traditional theory of the śāstra which was more ancient than Kauṭilya; he need not have depended on any individual teacher for the formulation of his taxation policy. There is one place in the text which shows that probably Kauṭilya himself did not approve of some of the imposts mentioned by him on the authority of the earlier teachers. In 3.17.15-16, he states that when a fine is imposed it is usual to add a surcharge in the form of *rūpa* at eight per cent and *vyājī* at five per cent. This, he says, is unjust; what is just is only the fine as prescribed and nothing more. As we have seen, *rūpa* (which here stands for *rūpika*) and *vyājī* are among the imposts mentioned elsewhere, which are likely to be found oppressive and unjust. It is obvious that what he has stated elsewhere is old material, and that he does not entirely approve of it on the ground that it is unjust.

CHAPTER EIGHT

STATE ADMINISTRATION

THE kind of state control over the economy which this text prescribes is not possible without an efficient administration. We, therefore, find in it a description of an elaborate administrative machinery.

Since ancient times persons occupying the highest positions in the administration of a state appear to have been known as *tīrthas*. There is an incidental reference to eighteen *tīrthas* in 1.12.20, while a list of these eighteen appears to be given in 1.12.6. These high dignitaries are referred to in the next Chapter as *mahāmātras* (1.13.1). The former appellation is ignored in the rest of the text, but the latter is frequently used.

Foremost among the dignitaries are the *mantrin*, the *purohita*, the *senāpati* and the *yuvarāja*. These four are always mentioned in this order (1.12.6, 5.3.3, 9.3.12). Though the same salary is laid down for all four, the order of enumeration may be regarded as indicative of their rank. About the *mantrin* or *mantrins* and the *purohita*, some remarks have already been made.[1] The *senāpati* in such a context is to be understood as the commander-in-chief of all armed forces. The *yuvarāja* or the crown prince would normally be the eldest son of the ruler. His coronation is only incidentally referred to (2.36.47, 5.1.16 etc.). There is no mention of the assignment of any specific duties to him, but it is indicated that he may be sent instead of the *senāpati* on an expedition of conquest (9.3.7) or to put down a rebellious officer (5.1.53ff.).

Two of the highest officers are the *dauvārika* and the *antarvaṁśika*. In the *tīrtha* list they are mentioned immediately after the *yuvarāja*. As the names indicate, they are the chief of palace attendants and the chief of the king's guard respectively. Their specific duties are not stated anywhere, probably because they are palace officials, not directly connected with state administration. Only in one place is it stated that these two may carry out the king's daily routine when the king happens to be seriously ill (5.6.5). It is these two palace officials who are to be understood as *antaramātyas* 'inner ministers'. It is stated that when any of the *antaramātyas* turns treacherous, danger from him to the ruler is greater than danger from a treacherous *mantrin*, purohita etc. mentioned above (9.3.20, 8.2.3). That is because these

1 See pp. 182-185 above.

two have daily occasion to be near the king's person. It is obvious that each of the six officers mentioned so far enjoys a position in which he may feel the temptation to conspire against the ruler in order to seize the throne for himself or to support some rival to the throne. To obviate the possibility of such dangers, the king is advised to keep the power of the treasury and the army in his own hands (8.2.4).

Among the most important administrative officers are the *samāhartṛ* and the *saṁnidhātṛ*. The former is usually mentioned before the latter (1.12.6, 5.3.5). That is probably indicative of the greater importance of the *samāhartṛ*'s office than that of the *saṁnidhātṛ*'s. The former's chief function is the preparation of the yearly budget and the keeping of accounts. He is to fix the amount of revenue to be collected under each of the seven heads, *durga*, *rāṣṭra* and others, which make up the 'body of income' (2.6.1-9). In the accounts, he is to arrange the income under seven heads, *mūlya*, *bhāga* and so on, and the expenditure under fifteen heads, *antaḥpura* and others (2.6.10-11). Many of the details about budgeting and account-keeping are far from clear; but there is no doubt about the importance attached to these.[2] It is added that the *samāhartṛ* should show an increase in revenue and a reduction in expenditure and endeavour to redress any excess of expenditure over revenue (2.6.28). The *samāhartṛ* thus appears to be something like a finance minister so far as this part of his duty is concerned.

But the *samāhartṛ* has other duties too. He is in administrative charge of the entire countryside (*janapada*). Only the *durga* or the fortified capital is excluded from his jurisdiction. He represents the king in the countryside during the latter's absence from the kingdom on some expedition, just as the *śūnyapāla* or regent represents him in the capital (12.2.25-31). The *samāhartṛ* may be supposed to have his headquarters in the capital, for the *sthānīya*, which is the same as the *durga*, is called the *samudayasthāna* (2.3.2); however it seems more likely that he is to spend most of his time away from the capital.

For administrative purposes, the *samāhartṛ* is to divide the country into four divisions, each in charge of an officer called *sthānika*. Under the *sthānika* there are to be junior officers called *gopas*, each in charge of five or ten villages. With the help of these, the *samāhartṛ* is to have a record of all towns and villages, classified as big, middling and small, containing information about their wealth in grains, cattle, money and so on. The *gopa* is to maintain a record of all agricultural and other holdings in the villages in his charge and take a census of every

2 B. Breloer, KSt, III, 166ff., finds a great similarity between the details found in this text and the system followed under the Peshwas, and he argues that the system is quite natural in view of the dependence of state revenue on land economy.

household, noting down the number of inhabitants with full details about the profession, the property possessed, the income, the expenditure and the revenue received from each household (2.35.1-7). Most of this information is obviously necessary for the *samāhartṛ* for preparing his budget. It may be assumed that the *gopas* would be forwarding their records to the *samāhartṛ* through their respective *sthānikas*.

But the *samāhartṛ* is to have under him another set of servants who are to work in secret and provide him with information on the same matters of which the *gopas* send him the records. This, no doubt, is intended as a check on the *gopas*, to prevent any false information being forwarded to him. But the men in secret service are expected to do something more than that. They are to report to the *samāhartṛ* on new arrivals in towns and villages and departures from them, on the activity of unsocial elements, on the movements of traders and the goods carried by them, on the loyalty or otherwise of the subjects, on the integrity or its absence among officers and on the activity of robbers and enemy agents (2.35.8-15, 4.4.3-4). This is to help the *samāhartṛ* in maintaining law and order in the countryside, which is also one of his responsibilities.

For maintaining order, the *samāhartṛ* has the help of the *pradeṣṭṛs*, who are stationed at the headquarters of the *gopas* and the *sthānikas* (2.35.7). Their main function is the suppression of crime, *kaṇṭaka-śodhana*, described at length in Book 4. There are to be three of them at each headquarters and they are to investigate thefts and robberies with the help of the *gopas* and the *sthānikas* (4.1.1, 4.6.20). These latter, therefore, are not merely revenue officers, but police officers as well. The *samāhartṛ*, under whom all these officers work, is, therefore, also something like a home minister in a modern state. It is he who impresses on the people the efficiency of the ruler's administration (4.5.13-18). He may be regarded as a sort of governor or administrator-general in the countryside.

An officer called *rāṣṭrapāla* is mentioned in 5.3.7 ; his appointment is referred to in 5.1.39. But his functions are nowhere described. His duties could be partly those of the *samāhartṛ*. It is possible that he is one of his subordinates, perhaps the same as *sthānika*, whose name does not appear in the Chapter on salaries and wages.

Little that is definite can be said about village officers below the rank of the *gopa*. There is a reference to *grāmabhṛtakas* ; but it is not clear if *gopas* are also to be understood by that term. The salary of 500 *paṇas* a year recommended for the *grāmabhṛtaka* (5.3.23) might appear to be reasonable for the *gopa*, but rather high for a village servant. Besides, like the *sthānika*, the *gopa* also does not figure in the salary lists. However, in another place, the *grāmabhṛtaka* is coupled

with *bhikṣuka*, for whom grains are to be left behind from heaps of grains to be gleaned by them (5.2.11). This surely cannot be understood of the *gopa* ; only the lowest kind of village servant can be thought of. It is possible to suppose that in the other places where the word *grāma-bhṛtaka* occurs it stands for the *grāmika* referred to elsewhere in the text. This *grāmika* appears to be a kind of village headman. It is stated that a *grāmika* who banishes from the village a person who is not a thief or an adulterer should be fined twenty-four *paṇas* (3.10.13). This shows that he has the power of banishing people. The *grāmika* can also require a tenant to accompany him when he goes on some village work (3.10.16). That also shows some executive power. Again, a wife ill-treated by her husband is allowed to seek shelter in the house of a *grāmika*, among others (3.4.9). This shows that he occupies a position of some status in the village.

Then there is the *grāmakūṭa* ' head of the village ' mentioned once. It is stated that if a *grāmakūṭa* or an *adhyakṣa* yields to the temptation of extorting money from the people, he is to be sent into exile (4.4.9-10). He is, therefore, obviously a state servant and may be looked upon as identical with the *grāmika*. Finally, there is the reference to the *grāmasvāmin* ' owner of the village '. He is required to compensate for any loss of property suffered at night by a caravan during its stay in his village (4.13.8). Since the next sūtra refers to a similar liability of the *vivītādhyakṣa*, who is a state officer, it might appear that the *grāmasvāmin*, too, is a state officer. It is, of course, possible to suppose that he is not a state servant but the owner of the village in the sense of a private individual to whom the village is gifted for outstanding service or some other reason. But that appears less likely in view of the prohibition to grant a village (5.3.32).

For the offence of wrongful banishment of a person innocent of theft or adultery, besides the *grāmika* the village is also to be fined the highest *sāhasa-daṇḍa* (3.10.18). In such a case, the *grāmika* may be supposed to have acted at the instance of the village. The will of the village would be expressed through its prominent inhabitants. These may be identified with the *grāmavṛddhas* 'village elders', who appear in the text as guardians and trustees of the properties of minors and temples (2.1.27 ; also 3.5.20). They can also hold in trust a debt paid back by the debtor when the creditor is not there to receive it (3.12.12). The village elders are also to help in settling boundary disputes between two neighbouring farmers (3.9.15) and are to be present when any sale of a field or a tank and so on takes place (3.9.3). The idea in the latter case is to keep the purchase in the village. It may be assumed that the *grāmika* would be consulting the village elders on matters affecting the village. The elders may be supposed to meet together in connection

with their duties or at the instance of the *grāmika*. But whether they form a village panchayat or a village assembly is more than what one can say on the evidence of this text. With the centralized administration visualised in it, the village assembly or panchayat, even if it be assumed to exist, can hardly be expected to play any significant role. Power in the rural area is centred in the hands of the *samāhartṛ* with an army of subordinates under him spread over the entire countryside. That leaves little scope for initiative by people on the village level.

Since the *samāhartṛ* is in overall control of the administration in the countryside, it may be assumed that officers, whose sphere of activity lies in the area within his jurisdiction, would be under his general supervision. Such in particular would be the *vivītādhyakṣa*, the *antapālas*, those working in mines, forests or sanctuaries, probably also the *sītādhyakṣa*. And as a matter of fact, we find it stated that the *samāhartṛ* should ascertain through secret agents how far the *adhyakṣas* are loyal and honest (2.35.13, 4.4.4).

What the *samāhartṛ* is in the country, the *nāgarika* is in the city or the fortified capital. He, too, has under him four *sthānikas* in the four city wards and a number of *gopas*, each in charge of twenty or forty households. These *gopas*, too, are to maintain a census of these families with respect to the number of members in it, their profession, income, expenditure and so on (2.36.1-4). The *nāgarika* also has men in secret service to help him get information about suspicious characters and enemy agents. But the *nāgarika* is put on the same footing as the *pradeṣṭṛ* in the matter of detection of crimes, his sphere of work being, of course, restricted to the city (4.6.20). For this purpose he has a number of *rakṣins* under him who also help him in ensuring the security of the fort.

It appears that the *nāgarika* is not at all concerned with budgeting and accounts even of the city. The *samāhartṛ* is in charge of that; for, the *durga* is included in his budget (2.6.1-2). It may be supposed that the statistics collected by the city *gopas* and *sthānikas* would be passed on to him for that purpose. On the other hand, the *nāgarika* has certain special duties that are appropriate to a city-administration, such as the maintenance of the cleanliness of the city, the taking of precautions against outbreaks of fire and so on.

It is possible that in the theory of administration, the idea of the *nāgarika* is a later development. In the list of the *tīrthas* there is no mention of the *nāgarika*; on the other hand, there is mention of an officer called *durgapāla* in that list. It may be supposed that in the earlier theory the *samāhartṛ* was given charge of the administration of the entire country including the city, and the *durgapāla* was there only for ensuring the security of the fort. The *samāhartṛ*'s subordinates

in the city, too, were known as *gopas* and *sthanikas* like their counterparts in the country. A new officer, the *nāgarika*, was thought of later, to replace the *durgapāla* and take charge of the city administration. The city *gopas* and *sthānikas* were naturally made subordinate to him, though they kept their old designations, which appear in their origin to be associated with the countryside. Such a development in theory, if it may be assumed to have taken place, most probably preceded the composition of this text. For, it can hardly be maintained that the *nagarika* is an innovation of our author. Had Kauṭilya himself really been the first to think of the *nāgarika*, that fact would have been proclaimed by him, as he has not missed any opportunity to take credit for any new point of view or new doctrine put forth by him.

It is to be noted that the *nāgarika* does not figure in the Chapter on salaries either. Both there and in the list of *tīrthas* an officer called *pauravyāvahārika* is mentioned, who is not referred to anywhere else in the text. The *nāgarika* cannot be identified with him, for as the name of that officer shows he is a judicial officer stationed in the city. The *nāgarika* is not concerned with the administration of law even in the city. For that purpose there are the *dharmasthas*, of whom there are to be three in the city and three in each of the smaller towns (3.1.1). And the *dharmastha*, too, does not appear either in the *tīrtha* list or in the Chapter on salaries. It appears clear that the *dharmastha* also is a later conception, developed from the earlier conception of the *pauravyāvahārika*. It may be reasonably concluded from these instances that the text has preserved in part an earlier stage in the development of ideas on administration, while it mostly describes elsewhere a system more advanced in certain respects.

A different possibility is suggested by another instance. An officer called *praśāstṛ* is ranked even above the *samāhartṛ* and the *saṁnidhātṛ* and allowed the same salary as these two (1.12.6, 5.3.5). The only other place in the text where a *praśāstṛ* is mentioned is 10.1.17. But the duties attributed to him in that sūtra, namely, marching ahead of the army to prepare the ground for its encampment and making provision for its water supply, cannot be thought of as appropriate to an officer of such a high status as to be ranked above the *samāhartṛ* and the *saṁnidhātṛ*. Obviously, the *praśāstṛ* of the *tīrtha* list is to be distinguished from the *praśāstṛ* of Book Ten. The former, it may be suggested, was probably a sort of administrator, in charge of the management of the king's household. He is mentioned immediately after the *dauvārika* and the *antarvaṁśika*, who are palace officials and before the *samāhartṛ* with whom the list of administrative officers of the state may be supposed to begin. It is hardly possible to suppose that the *praśāstṛ* of an earlier theory lost his status and was given only

minor duties in a later theory, and that both these stages in the development of the same officer are preserved in the present text. It is more likely that the two *praśāstṛs* are unrelated to each other, being derived by the author from two different sources.

The *saṁnidhātṛ*, who enjoys the same status as the *samāhartṛ*, is in charge of the stores, that is, of the actual revenue and other income received by the state. He is to get the following store-houses built, suited for the different commodities to be stored in them: (1) *kośagṛha*, the treasury proper, in charge of the *kośādhyakṣa*, where gems of various kinds and articles of high value are to be kept; (2) *paṇyagṛha*, in charge of the *paṇyādhyakṣa*, where commodities other than grains and other edible goods are to be stored; (3) *koṣṭhāgāra*, in charge of the *koṣṭhāgārādhyakṣa*, where grains, sugar, salt, oils and other edibles are to be stored; (4) *kupyagṛha*, in charge of the *kupyādhyakṣa*, where timber and other forest produce are to be stored; (5) *āyudhāgāra*, the armoury, in charge of the *āyudhāgārādhyakṣa*; and (6) *bandhanāgāra*, the prison-house, in charge of the *bandhanāgārādhyakṣa* (2.5.1-6). The inclusion of the prison-house among the store-houses is surprising. Apparently everything that needs to be properly guarded, whether material objects or persons, is regarded as the concern of the *saṁnidhātṛ*. There can be little doubt that the *adhyakṣas* mentioned are to work under the supervision of the *saṁnidhātṛ* and are to be looked upon as his subordinates. These in turn are to have a number of experts to help them in judging the quality of the goods to be received in the stores, whether it be gems, cash, grains or other articles.

The *saṁnidhātṛ* is expected to be thoroughly conversant with everything connected with the stores. He must be able to say how much is received in the various stores from different sources, how much has gone out and what balance there is in them. He must be in a position to state without hesitation what each of the stores contains at any given moment (2.5.22).

The text states that for use in times of emergency a secret treasure-house should be built on the borders of the country, men condemned to death being made to build it (2.5.4). The idea is that after the building is finished, the convicts would be executed, so that no one alive would know anything about the existence of such a treasure-house. Since it is the *saṁnidhātṛ* who is to get this secret treasury built, he must be regarded as one of he most trusted officers of the king.

There is a discussion in the text about the relative seriousness of the harm that is likely to be caused to the state by the *samāhartṛ* and the *saṁnidhātṛ*. In the opinion of the earlier teachers, the *saṁnidhātṛ* is likely to do greater harm, as he may find fault with or ruin goods

to be received by him and cause loss to the state or impose penalties on the subjects thereby causing disaffection. The *samāhartṛ*, on the other hand, has to be satisfied with his legitimate dues only. Kauṭilya himself, however, considers that the *samāhartṛ* is likely to do more harm than the *saṁnidhātṛ*. He argues that the latter accepts only what is guaranteed by others as to its quality and has, therefore, no scope for helping himself at the cost of the state. The *samāhartṛ*, on the other hand, has plenty of such scope; for example, when fixing the quantum of revenue to be received from anyone he may clandestinely receive something for himself first and then fix the dues at a lower rate (8.4.31-33). There is no doubt that in Kauṭilya's opinion the *samāhartṛ* has greater power to harm the interests of the state than the *saṁnidhātṛ*.

An office of very great importance, situated in the capital, is the *akṣapaṭala*. It is a sort of records-cum-audit office. There is an *adhyakṣa* in charge, with a special building of his own with many halls and record rooms (2.7.1). The records to be maintained there pertain to (1) the activity of each state department, (2) the working of state factories and conditions governing production in them, (3) prices, samples and standards of measuring instruments for various kinds of goods, (4) laws, transactions, customs, and regulations in force in different regions, villages, castes, families and corporations, (5) salaries and other perquisites of state servants, (6) what is made over to the king and other members of the royal family, and (7) payments made to and amounts received from foreign princes, whether allies or foes (2.7.2). A more comprehensive record-house can hardly be thought of.

But the *akṣapaṭala* is also to control and regulate the working of each state department and of each state undertaking. It is from this office that officers receive assignments of specific undertakings with instructions about carrying them out (2.7.3-5). And when the year is ended or the undertaking completed, it is to this office that they are to bring the accounts and the balances for a thorough audit. Many details are given about auditing; but some of them are not quite clear.

The *samāhartṛ* does not appear to have anything to do with the *akṣapaṭala*. The records kept in this office are different from the records that are of use to the *samāhartṛ*; and the work of audit referred to here is different from account-keeping. But though the *adhyakṣa* of this office may be regarded as an independent officer, his status does not appear to be very high. He is only an *adhyakṣa* and there is no special designation for him.

Special officers appointed to guard the frontier are called *antapālas*. It would appear that some kind of forts are to be erected on the frontiers in the four directions and it is at these frontier posts that the *antapālas* are to be stationed. These posts are to serve as the points of entry into the kingdom (2.1.5 and 2.3.1). The *antapālas* thus control the entry of men and goods in the country. They issue passes to incoming traders, stamp their goods and after charging them a cess for the road send them on to the capital in the centre of the country (2.21.24-26). Whereas the earlier teachers thought that the *antapālas* are likely to be more harmful to the state than the traders because they might tend to encourage robbers and to make excessive demands on traders, Kauṭilya himself regards traders as more harmful since these look only for exorbitant profits. The *antapālas*, he thinks, ensure the free flow of trade (8.4.34-36). The appointment of *antapālas* is obviously necessary for the security of the country also.

Book Two, called *adhyakṣapracāra*, describes the duties of nearly thirty *adhyakṣas*. Three other *adhyakṣas* are mentioned elsewhere. The *adhyakṣas* may be classified as follows : (1) the assistants of the *saṁnidhātṛ* in charge of state goods ; (2) those in charge of state establishments, *aśvādhyakṣa*, *hastyadhyakṣa* and the like ; (3) those in charge of mining and industry, *ākarādhyakṣa* and his assistants, *sūtrādhyakṣa*, *surādhyakṣa* and so on ; and (4) those who control trade, *paṇyādhyakṣa*, *saṁsthādhyakṣa*, *śulkādhyakṣa* and others. It is to be noted that the writer of *śāsanas* or decrees, a subject with which Kauṭilya claims to have dealt with for the first time, is not named as *śasanādhyakṣa* ; he is referred to only as *lekhaka* (2.10.3).

An *adhyakṣa* has under him a *lekhaka*, clerk, a *rūpadarśaka*, inspector of coins, a *saṁkhyāyaka*, accountant, a *nīvīgrāhaka*, keeper of the balance, in charge of actual goods, and an *uttarādhyakṣa*, who appears to be a sort of supervisor expected to keep a watch over the activity of the subordinate staff (2.9.28-30). This *rūpadarśaka*, attached to every office, is perhaps to be distinguished from the *rūpadarśaka*, who sanctions currencies according to 2.12.25. The latter appears to be himself of the status of an *adhyakṣa*.

There is a reference to the appointment of a *dūta* or an envoy, when a policy decision has been taken after consultation with ministers (1.16.1). The *dūta* is not to be thought of as a permanent ambassador stationed at the court of a foreign prince, but as an envoy sent for placing the case of his state before the foreign prince with respect to some specific matter. According to the nature of his mission, the *dūta* may be *nisṛṣṭārtha*, envoy plenipotentiary, with full powers to negotiate with the foreign ruler, or *parimitārtha*, envoy with a limited mission, with powers to negotiate only up to a certain limit, or *śāsana-*

hara, the mere bearer of a message from his state (1.16.2-4). It may be assumed that for the three types of mission, officers of different status would be selected. One may expect a *nisṛṣṭārtha dūta* to be either a *mantrin* or the *senāpati* or the *yuvarāja*, while an officer of a lower status may be expected to be appointed as a *parimitārtha dūta*; a *śāsanahara* can be an officer of a still lower status. It would thus seem that the office of the *dūta* is not an independent office ; it is a special duty entrusted to some one who is already occupying some other office, the assignment of this duty being temporary. This seems supported by the fact that there is no salary prescribed for the *dūta* ; there is only what may be called a travelling allowance according to mileage laid down for the *dūta*. For, it is said that a *madhyama dūta*, by which we have apparently to understand the *parimitārtha dūta*, should be paid at the rate of ten *paṇas* per *yojana* up to a distance of ten *yojanas* and at twenty *paṇas* per *yojana* for a distance beyond ten and up to one hundred *yojanas* (5.3.19). It is obvious that an *uttama dūta*, that is, the *nisṛṣṭārtha*, would be entitled to a higher rate, while the *avara*, that is, the *śāsanahara*, would receive the allowance at a lower rate. These, therefore, appear as allowances, over and above the regular salaries of the officers concerned, which they are entitled to in order to meet the expenses of the journey which they are expected to undertake with a suitable entourage (1.16.5).

The higher officers of the state are usually referred as *amātyas*. In particular, the *adhyakṣas* and some others like the *dharmastha* and the *pradeṣṭṛ* are regarded as *amātyas* (2.9.1 , 3.1.1 , 4.1.1). Three grades of *amātyas* are, however, recognised—the highest, the middling and the lowest—according to the degree of qualifications possessed by them. A number of qualities expected in an *amātya* are mentioned and the means of ascertaining how far a person possesses any of those qualities are described (1.9.1-3). There is a discussion on the class of persons from amongst whom officers are to be selected. Referring to the various opinions held by the earlier teachers on this question, Kauṭilya expresses himself in favour of appointing persons of different types to posts that may be suited to the qualities they may possess (1.8.1-29). It seems that the appointment of the head of a department is to be made by a royal order. Such an officer is described as *adhikaraṇe śāsanasthaḥ* 'mentioned in a decree with reference to an office or department' (2.9.19).

Another name for an executive officer is *yukta* ' one who is appointed or employed.' There are *yukta, upayukta* and *tatpuruṣa* in every department (2.5.16). Of these, the *yukta* is obviously the head of the department, the *upayukta* is a subordinate officer, of whom there may

be more than one in a department, while the *tatpuruṣas* are servants of the lowest category.

Persons possessing the qualities of *sattva*, spirit, *prajñā*, intelligence and *vākyaśakti*, power of expression, are sometimes referred to as suitable for state service (1.11.19). However, it is naturally regarded as of the utmost importance that the person should be a man of proved integrity and loyal to the ruler. In order to find out if an officer is honest and loyal, the earlier teachers had recommended four secret tests, called *upadhās*. The first, *dharmopadhā*, was intended to find out if he is susceptible to suggestions to join a conspiracy against the king because ostensibly the purohita has been dismissed by the king. The *arthopadhā* sought to find out if he is susceptible to the same suggestion when a large gain is promised to him. The *bhayopadhā* was meant to find out if he joins a conspiracy when degraded along with other officers. And the *kāmopadhā* was intended to find out if he is prone to entertain the suggestion that the queen is in love with him (1.10.2-12). After describing these tests, the text adds Kauṭilya's own opinion that the king or the queen should not be brought in for the purpose of these tests. For, he argues, suggestions about joining a conspiracy against the king or about the queen being in love with him may take deep root in the officer's mind and that may prove disastrous. This is no doubt true. But Kauṭilya does not seem to have any objection to these tests as such; he only wants the reference to the king and the queen to be kept out of them. But it is difficult to see how in the tests as described such a reference can be avoided. As a matter of fact, the tests, as described, appear to be highly impracticable. For, they can hardly be used on the extensive scale that would be necessary when so many officers have to be appointed. If used extensively, they would lose their secrecy. And there would be the practical difficulty of seemingly dismissing the purohita or the *senāpati* every time that an officer is to be put to the test of *dharma* or *artha*, or of putting officers under wholesale arrest whenever an officer is to be put to the test of *bhaya*. The names of the four tests suggest rather different kinds of tests. It seems possible that *dharmopadhā* is only a test to find out if the officer is pious or not, *arthopadhā* to find out if he is likely to be corrupt or not, *bhayopadhā* to find out if he is cowardly or brave and *kāmopadhā* to see if he is a voluptuary or not. Simple tests to discover these traits, without bringing in the king or the queen, are easy to conceive. That the original purpose of these tests was to find out the presence or absence of these traits is shown by the recommendation that those who pass the *dharma* test should be appointed as *dharmasthas* or judges and *pradeṣṭṛs* or magistrates-cum-police-officers, those who pass the *artha* test as *samāhartṛ* or *saṁnidhātṛ*, those who

pass the *bhaya* test as officers serving in close proximity to the king, and those who pass the *kāma* test as officers keeping the king company in his entertainments (1.10.13).

It is stated that one should avoid making the appointment of three types of persons to a high office. These are: (1) the *mūlahara*, one who is known to have squandered his patrimony, (2) the *tādātvika*, one who spends everything as soon as he has earned it, and (3) the *kadarya*, the miser who amasses wealth by causing hardship to himself and his dependents (2.9.20-23). The last of these may be in the habit of sending his accumulated wealth to foreign countries for safe keeping. If that is discovered to be a fact through secret agents, it is recommended that he may be punished by getting him involved in a charge of being in league with the enemy (2.9.26-27).

In two Chapters, 5.4 and 5.5, the text gives advice to one who aspires to join state service, particularly as a minister. Such a candidate is above all expected to be thoroughly conversant with the teaching of the śāstra. He is advised to approach the king for service through someone in the good books of the king. When granted an interview by the king, he must be prepared to give a test of his knowledge of the śāstra. Before appointment, he may make stipulations that his party men would not be unjustly punished or injured, that his secrets would not be divulged to others and so on (5.4.1-7). Such stipulations are conceivable only if a distinguished person is seeking a ministerial appointment. As regards the deportment of an officer after his appointment, it is added that he should behave in a courteous and dignified manner, regard the king's interest alone as supreme and avoid association with harmful or dishonourable persons (5.4.8-10). At the same time he is advised to be on the lookout for any signs showing the king's displeasure and to be ready to take any hint and make good his escape before any harm can be done to him. Instances are given of ministers, Kātyāyana, Kaṇiṅka Bhāradvāja, Piśuna and others who are said to have noticed some unusual happening, and taking that as a hint, to have made themselves scarce before the king could vent his displeasure on them (5.5.10-11). This brings out very clearly the supreme importance of the king's will, often his sweet will, in matters connected with state service.

A remarkable feature of the śāstra is the uninhibited manner in which the organisation of a secret service is recommended and the use of secret agents for a variety of purposes described. Two types of secret service are distinguished. One is *saṁsthā* 'the establishment', the members of which are generally stationed in a single headquarters. The other is *saṁcāra* 'the rover', the members of which move from place to place according as their services may be required.

There are five kinds of *saṁsthās* : (1) the *kāpaṭika*, described as a *chātra*, a pupil or an apprentice or an assistant, who observes and reports to the king or the minister in charge if there be anything harmful or evil ; (2) the *udāsthita*, an apostate monk, who is made the centre of a network of intelligence agents disguised as monks ; (3) the *gṛhapatika-vyañjana*, a farmer rehabilitated by the state, who has a network of intelligence agents working under his direction ; (4) the *vaidehaka-vyañjana*, a merchant similarly rehabilitated, with a number of intelligence agents under him ; and (5) the *tāpasavyañjana*, a bogus ascetic, imposing on the gullible as a great seer and thus becoming the centre of intelligence work (1.11.2-20).

There are four types of *saṁcāras* : (1) the *sattrin*, the secret agent par excellence, who is apparently an orphan sepecially trained by the state for this work ; (2) the *tīkṣṇa*, the desperado or bravo, who is useful for secretly liquidating enemies of the state ; (3) the *rasada*, the giver of poison ; these two administer what is called *upāṁśudaṇḍa* 'secret punishment' or *tūṣṇīṁdaṇḍa* 'silent punishment'; and (4) the *bhikṣukī* or *parivrājikā*, a Brahmin nun who does the work of spying in the houses of high officers where she finds easy access because of the honour shown to her in the palace. Heretical nuns can also be similarly employed (1.12.1-5).

The *saṁsthās* clearly work under the *samāhartṛ*. For, the latter uses the *gṛhapatikavyañjana* and others to check the information collected by the *gopas*. He also uses them to find out who among the subjects and state servants are loyal (2.35.8-15). Even the roving spies would appear to work under the direction of the *samāharitṛ*. For, all information spied out by them is to be first communicated to the *saṁsthās*, which are, of course, under the *samāhartṛ* (1.12.7-12).

That intelligence agents are to work in foreign countries as well is naturally to be expected. The text, however, also mentions a special type of agent for this work. He is the *ubhayavetana* 'in the pay of both.' He is in the secret service of one state, but manages to secure service with the ruler or some high officer in a foreign state. When he wins the confidence of the latter, he may be in a position to pass on valuable information secretly to his native state or to render useful service to it in some other way. However, in order that he may not double-cross his native state and work in the interest of the foreign state, it is recommended that his wife and children should be held as hostages (1.12.17-19). It may be assumed that every state would be the centre of espionage and counter-espionage activity on a very large scale.

Such a highly organised intelligence service may be regarded as necessary and no serious fault can be found with the teaching of the

śāstra in this respect. There can be no denying, however, that its recommendations regarding the use of the *tīkṣṇa* and the *rasada* for what is called silent punishment cannot be justified on ethical grounds. All that can be said in defence is that it might possibly save the state much trouble and expenditure if harmful elements are eliminated in this manner without creating a furore. But the danger of innocent persons being sometimes similarly disposed of cannot be overlooked. The exhortation that these secret ways are to be used only against the treacherous and the unrighteous (5.2.69) may not always be heeded in practice.

Secret agents are useful for detecting corruption among state servants. For, it is recognised that despite all care exercised in the appointment of officers, cases of embezzlement of state funds may often occur. In a few remarkable verses, it is pointed out that it is well nigh impossible for an officer who handles state funds or goods to resist the temptation to misappropriate them, that it is as difficult to detect an officer while he is misappropriating funds as it is to detect a fish while it is drinking water, that the ways of officers bent on misappropriation are more difficult to predict than the movement of birds in the sky (2.9.32-34). The text refers to many ways in which officers may cause loss to the treasury. They may prevent revenue from being raised or delivered, they may lend state goods at interest, they may put them to personal use, they may substitute inferior goods for high quality goods and so on. Of *apahāra*, that is embezzlement proper, no less than forty ways are enumerated (2.8.4-21). Some specific crimes by state officers are mentioned elsewhere. These include theft of valuables from mines and factories, theft from stores or the treasury, corrupt practices by the judge or the magistrate, offences by jail warders and the jail superintendent and so on (4.9.2-24).

The *samāhartṛ* is responsible for the detection of such offences. One way is to invite the subjects who may have suffered as a result of the corrupt practices of an officer to come forward and declare how they have suffered. Another way is to take the help of informers, who may be promised a reward of one-sixth of the amount involved if they succeed in exposing a fraud (2.8.24-32). And there are, of course, the secret agents who are to be on the lookout for such offences by state servants. The *uttarādhyakṣas* stationed in each office seem to have this specific duty assigned to them (2.9.29-30). To prevent offences by officers, it is also recommended that each office should have many chiefs and that they should be frequently transferred (2.9.31).

For the offence of misappropriation and for corrupt practices in general very severe punishments are laid down. In many cases, it is recommended that the officer concerned may be disgraced by

smearing him with cowdung and ashes and proclaiming his offence throughout the town or village or by shaving his head and driving him out with brickbats. In the case of some offences, the punishment prescribed is death, sometimes death with torture (4.9.2-27). The deterrent character of many of these punishments can hardly be in doubt.

State servants, particularly high officers, are likely to be disloyal and even turn traitors. Those who can be seduced from their loyalty by the machinations of some enemy are called *kṛtyas*. Officers become susceptible to such seduction because they are disgruntled. This may be due to one of four feelings : *krodha*, resentment or anger, because a promise of advancement has not been kept or because there has been supersession or demotion and so on ; *bhaya*, fear, because he has committed some wrong or amassed wealth by wrongful means or has incurred the displeasure of the king and so on ; *lobha*, greed, arising out of his impoverishment or addiction to vice or miserliness ; and *māna*, a feeling of high self-esteem, leading to dissatisfaction with his condition, or a tendency to rashness (1.14.2-5). It is the secret agents who are to find out if any officer nourishes any grievance of this sort (1.13.22-23). At the same time, the text recommends that suitable efforts should be made to win over such disgruntled officers from the enemy's state, so that the latter may be thereby weakened and its conquest made easier (1.14.6-12).

Chapter 5.3 lays down the salaries and wages to be paid to state employees. Normally, one-quarter of the state revenue may be spent on these payments. Salaries ranging from as high as 48,000 to as low as 60 are recommended for the different categories of state employees. The amounts are obviously to be understood as stated in *paṇas*, which is the only coin mentioned for purposes of calculation in this text. This *paṇa* is a silver coin, *rūpyarūpa*, with a silver content roughly equivalent to three-quarters of a tola (2.12.24). The salaries, therefore, can hardly be understood as intended on a monthly basis, and are clearly meant as annual salaries. Even so the salaries appear to be on a fairly liberal scale. The purpose behind the provision of high salaries to the higher category of officers is stated to be the prevention of discontent among them against the regime and ensuring efficiency on their part. The salaries provided and the very large administrative staff visualised in the text undoubtedly create the impression that such high expenditure on administration can only be borne by a comparatively big and flourishing state.

It is stated that when the treasury is not full, payment to state servants may be made partly in cash and partly in kind. Payments of the latter type may be in the form of forest produce, fields etc. (5.3.31).

By way of a partial explanation of this rule, the text seems to add, "For a wage of 60 (*paṇas*), one *āḍhaka* of grains should be fixed as maintenance in conformity with the cash (wage)" (5.3.34). This seems to mean that when the full wage is not to be paid in cash, part of it may be paid in the form of grains. But whereas the 60-*paṇa* wage is a wage per annum, the payment of one *āḍhaka* of grains is to be understood as being made every day. It must be assumed that the cash wage would be reduced to a corresponding extent. For, the 60-*paṇa* wage is recommended for the lowest category of servants (5.3.17). In the case of some of them we read elsewhere that they are to be given food for themselves and their dependents plus a monthly wage of one *paṇa* and a quarter (2.24.28). That comes to 15 *paṇas* per annum over and above the daily food for the whole family. It is therefore reasonable to suppose that when one *āḍhaka* of grains is given as part payment, the 60-*paṇa* wage would be correspondingly reduced. It should be pointed out that one *āḍhaka* is equal to four *prasthas*, and it is said that one *prastha* of grains constitutes the daily ration of an Ārya individual (2.15.43). It would not be unreasonable to conclude that an average family is assumed to consist of four male adults for the purpose of providing food-rations as part-wage, also that 45 *paṇas* would be deducted from the annual wage of 60 *paṇas* when these daily rations are paid. It is not possible to agree with P. V. Kane that 60 *paṇas* (understood as copper coins) is a monthly wage, that one *āḍhaka* of grains is a substitute for the 60-*paṇa* monthly wage and that consequently 60 copper *paṇas* may be assumed to be the price of one *āḍhaka* of grains.[3] If at all some price relation is to be found, it may be in the form of 45 silver *paṇas* as the price of 360 *āḍhakas* of grains.

The rule about the food rations as part payment to state servants must also be understood as restricted only to those with a wage of 60 *paṇas* per annum, and not to all state employees. For, it is quite inconceivable that those entitled to 48,000 *paṇas*, for example, would also receive in addition (or as part payment) a corresponding amount of grains, namely, 800 *āḍhakas* per day.[4] An *āḍhaka* is roughly between three and four pounds in weight, so that 800 *āḍhakas* would amount to nearly one ton of grains. If we take all officers and servants into account, the daily rations would consume several hundreds of tons of grains every day. No granary can stand such a strain on its resources.

Besides grants of tax-free lands to priests, preceptors, the purohita and other learned Brahmins, the text recommends grants to *adhyakṣas* and state servants of lower categories on the occasion of new settle-

3 HD, III, pp. 124ff.
4 As is understood, for example, by G. Harihara Sastri, JOR, XXVIII (1958-1959), pp. 15-16.

ments. Such lands are, however, inalienable (2.1.7). Land in lieu of salary may be given, but the grant of a whole village to an officer is to be avoided (5.3.32).

Should a servant die while in state service, his wife and children become entitled to his wages and food-rations. And the state is required to look after minors, aged persons or sick persons in the families of the deceased servants. And when there is death, illness or birth in the family of a deceased servant, the state is asked to render help with money and honour (5.3.28-30).

In this description of the administrative set-up in a state, we miss any interest on the part of the state in the education of the people. That is clearly because teaching was a monopoly of the Brahmins and the state could not interfere in their work. Moreover, learning in the śāstras, though theoretically open to the three higher *varṇas*, was mostly restricted to Brahmins, and the great mass of Śūdras were not eligible for it even in theory. As for knowledge of the various trades and crafts, that was handed down from father to son or from the practitioner to the apprentice usually belonging to the same class. It was, therefore, not necessary for the state to concern itself with the imparting of education, either academic or professional.

It may similarly be said that a department of health in the modern sense finds no place in this administrative machinery. There are, of course, the army doctors, who are to keep themselves in readiness with medicines, instruments and bandages when a fight is about to begin (10.3.47). The state is also expected to take suitable steps when there is an epidemic (4.3.13-16). Beyond that, the interest of the state appears to be restricted to seeing that no physician lends his indirect support to criminal activities by agreeing to treat wounds secretly (2.36.10).

How far is the administrative system described in this work true to reality? In other words, to what extent does it correspond to the actual administration prevailing in any state at any time in the past? On the face of it, there appears to be little correspondence between the administrative set-up as disclosed in this text and what little information we are able to gather from other sources, especially the inscriptions. There are differences in the designations and functions of most of the officers mentioned.

It is quite natural to try to find agreements between what this text has to say on arrangements about administration and the actual practice as revealed by inscriptional evidence in what may be regarded as more or less contemporary Mauryan times. R. K. Mookerji has made an impressive list of parallelisms between this text and the

inscriptions of Aśoka.[5] Many of the parallel or identical expressions have, however, little bearing on matters of administration. For example, *usṭāna* (*utthāna*), *devīkumāla*, *mṛgayā*, *samāja*, *vihāra-yātrā*, *nāgavana*, *tadatvāye āyatike ca*, and so on have little to do with state administration and may, therefore, be left out of account. The expressions that call for attention in the present context are *mahāmāta* (including *dhammamahāmāta* and *antamahāmāta*), *nagalaviyohālaka*, *yuta*, *rājuka* and *prādeśika*, perhaps also *parisā*. These suggest identity with administrative personnel mentioned in the *Arthaśāstra*.

It may be pointed out at the outset that the Mauryan Empire appears to have been administered by dividing it into provinces, which were placed in charge of viceroys, who were often princes of royal blood. Rudradāman in his inscription refers to the Vaiśya Puṣyagupta, who was a *rāṣṭriya* in Surāṣṭra in the reign of Candragupta Maurya. It is also well-known that Aśoka was sent as a viceroy in Kashmīr during his father's reign. And under Aśoka himself, there were territorial divisions called *āhāra* or *viṣaya*, and four princely viceroys are said to have administered such territories from Takṣaśilā, Ujjayinī, Tosali and Suvarṇagiri.[6] It would appear that such an arrangement was natural, for a wholly centralized administration in the far-flung Empire would have been almost impossible because of the difficulties of communications in those days. Of such territorial divisions of the country, each to be administered by a governor or viceroy in charge, there is no trace in the *Arthaśāstra*. The *rāṣṭriya* of Rudradāman's inscription might seem to correspond to the *rāṣṭrapāla* mentioned in this text. But it is extremely doubtful if, like the *rāṣṭriya*, the *rāṣṭrapāla* can be regarded as a governor or viceroy in charge of a province.

There is, of course, no doubt that the *mahāmāta* of Aśoka is the same as *mahāmātra* referred to in this text. It is, however, a general term used to describe any high officer of the state, and signifies little in the present context. But the *dhammamahāmāta* of Aśoka cannot be identified with any *Arthaśāstra* officer, certainly not with the *dharmastha*. The former was concerned with looking after the people's religious life and spreading Aśoka's *dhamma* among the people, whereas the *dharmastha* in this text is a judge concerned with the administration of law. Similarly, the *antamahāmāta* of Aśoka was also concerned with the propagation of *dhamma* beyond the borders of the Empire and is therefore not the same as the *antapāla* of this text, who is concerned with

5 R. K. Mookerji, *Candragupta Maurya and His Times* (Madras, 1943), pp. 377-393; cf. also F. W. Thomas, 'The Edicts of Asoka', JRAS, 1914, 383ff.

6 Cf. R. C. Majumdar and others, *An Advanced History of India* (London, 1946), pp. 129ff.

guarding the frontier and controlling the import trade. The *nagalaviyohālaka* of Aśoka, of course, reminds one of the *pauravyāvahārika* mentioned in this text. But it should be remembered that the functions of this officer are nowhere described. On the other hand, we find the duties of the *nāgarika* set forth in great detail. It is possible, but far from certain, that the *nagalaviyohālaka* is the same as the *nāgarika*. As to *yuta*, it is true that the word is verbally the same as *yukta*. But whereas *yukta* in this text is a general name for state officers, *yuta* in Aśoka appears to be the designation of a particular officer with specific functions. Scholars are not agreed as to the status of the *yuta*, whether he is only a subordinate officer or an officer of the highest grade. In any case, it is not a general term describing all officers like *yukta*. As regards *rājuka*, he worked in a judicial capacity besides being a revenue administrator and is said to have been occupied with hundreds of thousands of people. He is often regarded as an officer in charge of a province or at least a district.[7] It is not possible to find in the *Arthaśāstra* any officer corresponding to this *rājuka*. It mentions *rajju* as a head of income under *rāṣṭra* (2.6.3) which probably refers to income from survey operations. Even if the officer in charge of these operations be understood to be known as *rajjuka*, he cannot be supposed to have any judicial functions nor regarded as concerned with hundreds of thousands of people like the *rājuka*. It is also impossible to identify the latter with the *corarajjuka* of this text, who is required to make good thefts from a caravan outside the jurisdiction of village officers and the pasture-superintendent, that is, in waste lands and jungles (4.13.8-10). As to *prādeśika*, the temptation to regard him as identical with the *pradeṣṭṛ* of this text has been very great in view of the root common to both words. But whether we regard the *prādeśika* as higher in status than the *rājuka* or as subordinate to him, he would appear to be an administrative officer in charge of a region or a district (*pradeśa*). The *pradeṣṭṛ*, on the other hand, is primarily concerned with the investigation and suppression of crime. There are three of them at each headquarters, the smallest of which is the headquarters of the *gopa* with jurisdiction over a group of five or ten villages only. The *pradeṣṭṛ*s all work under the *samāhartṛ*. It is, therefore, difficult to see any real identity between the functions of the *prādeśika* and those of the *pradeṣṭṛ*s. Finally, the *parisā* or *pariṣad* of Aśoka can hardly be identified with the *mantripariṣad* as is sometimes done.

It may perhaps be argued that there was little scope for a reference to the various administrative officers and their functions in the inscriptions of Aśoka in view of the nature of their contents. However, since

7 Cf. Romila Thapar, *Aśoka and the Decline of the Mauryas* (Oxford, 1961), pp. 106-107.

officers like *rājuka* and *prādeśika* are mentioned, it would be reasonable to suppose that at least the *samāhartṛ*, probably the most important of the officers in this text, as well as the *dharmastha* would have been referred to if officers with these designations had really functioned in his Empire. We have, therefore, to admit the fact that the administrative set-up described in the *Arthaśāstra* is not reflected in any significant manner in the inscriptions of Aśoka.[8] As for the later inscriptions there are even fewer correspondences.

This, however, does not mean that the scheme of administration recommended in this text is divorced from reality. The work does not profess to describe the actual administration that may have prevailed in a particular state or at a particular time. Being theoretical in character, it sets forth what, according to it, should be the ideal scheme of administration in any state. It takes into consideration all aspects of a state's possible activity and describes in fairly minute detail the way in which a state should be run. And well-managed states can hardly avoid setting up in actual practice a system of administration more or less similar to the one recommended in the text. Given the conditions that have prevailed in most parts of India in ancient days, a well-run state may be expected to have officers with functions similar to those of the *samāhartṛ*, the *saṁnidhātṛ*, the *dharmastha*, the *pradeṣṭṛ*, as well as a host of *adhyakṣas*, though these very designations may not have been used in actual practice. Designations have tended to differ from region to region as well as from age to age.

K. A. Nilakanta Sastri has found "fairly close resemblances between the fiscal and bureaucratic arrangements in contemporary Egypt and Syria on the one side and the system of the *Arthaśāstra* on the other."[9] And following the lead of Rostovtzeff, he has suggested a common origin for the Mauryan state supposed to underlie the teaching of the *Arthaśāstra* and the Hellenistic states of Egypt and Syria. This common origin is believed by him to be the administrative system prevailing in the Achaemenian Empire to which the Hellenistic states were successors.[10] And as a part of North-West India was for some time before Alexander included in the Achaemenian Empire the suggestion that India, too, copied the model gains plausibility. It was, of course, quite natural for the Seleucids, who inherited the region from Persia to Syria, to allow the system which already prevailed there under the Achaemenians to continue as before, as it was found to be extremely advantageous. The Ptolemies in Egypt, however, appear to have followed the system which prevailed there from the days of the

8 Cf. O. Stein, AOr, V (1933), pp. 262-269 and VI (1934), pp. 15-49.
9 *Age of the Nandas and the Mauryas* (Banaras, 1952), p. 174.
10 *Ibid.*, p. 178.

Pharaohs and which, it seems, even the Achaemenians did not disturb there. As for India, it may be admitted as quite possible that the Achaemenian practice was known here even before Alexander's day. It is also possible that the Mauryan state in actual practice showed Hellenistic and ultimately Achaemenian influences, though the inscriptions of Aśoka do not show evidence of any census of towns and villages, their inhabitants and resources, the maintenance of which was a characteristic feature of the Achaemenian system. This text, however, does not claim to describe the Mauryan administrative system. It describes a system which any state that wants to prosper is expected to follow. And this system does not appear to have been thought out by Kauṭilya for the first time. It may be supposed that such a system was conceived as necessary in the teaching of the śāstra from the early days. Breloer has emphasised the peculiar Indian conditions which make a statistic of all economic factors a necessity in all ages. The census, the records, the army of land-officers have been, according to him, quite essential for safeguarding state revenue.[11] One need not, therefore, necessarily think of a foreign influence in these matters. As for the many *adhyakṣas* and other officers, only an indigenous origin seems conceivable for them.

11 KSt, III, 166ff.

CHAPTER NINE

LAW AND ADMINISTRATION OF JUSTICE

THE administration of justice is treated in a special adhikarana, Book Three, which also sets forth in detail the law to be administered in the courts. The judges are called *dharmasthas,* a name which apparently refers to the *dharma* or law, by which they are to be guided in their work. It may be noted that the Smṛtis generally do not show acquaintance with this designation. It is found only casually mentioned by Manu in a passage (8.57) which is very likely derived from the present *Arthaśāstra* text (3.1.19) or one very much similar to it. The usual word for a judge in later times is *prāḍvivāka.*

In the first adhikaraṇa of the text, we have a description of the routine to be followed by the king every day. We there get the impression that it is the king who is to administer justice in person. At a fixed hour in the morning every day the king is to enter the assembly hall and look into the affairs of his subjects (1.19.10). This perhaps represents an earlier stage in the development of the administration of justice, when the king was himself the judge and probably the only judge, since the domain over which he held sway was not very extensive. It is at the same time possible that even after special judges came to be appointed, the king continued to be the final arbiter of justice, most probably in an appellate or revisionary capacity.

It is stated that three judges, of the status of an *amātya,* should be appointed at each of the following places: *janapadasaṁdhi,* a frontier post, *saṁgrahaṇa,* the headquarters of ten villages, *droṇamukha,* the headquarters of 400 villages, and *sthānīya,* the chief city among 800 villages, which in effect is the capital of the state (3.1.1.) The reference to *saṁgrahaṇa* as a seat for a judicial court implies that justice is intended to be made available to the subjects very much nearer their places of residence than seems possible even to-day. It is not clear if a gradation among the courts at the different places mentioned is contemplated and if appeals from a court at a smaller place are intended to be entertained in a court at a bigger place. Since there is no reference to any gradation among the *dharmasthas* and since all *dharmasthas* wherever they work are to be understood as apparently enjoying the same status, it would appear that all courts at the various places mentioned are on the same footing. Perhaps the only appeal from the judgment of any court would be directly made to the king, whose final authority

in pronouncing a judgment in any legal matter must be supposed to be unquestioned.

It is also not clear if the three judges who work at the same place are to sit as a bench in every case or if each judge is to try independently the cases that are brought before him. The latter might appear to be intended. For, in connection with punishment for judges the word *dharmastha* is used in the singular (4.9.13ff.). However, when a man is required to seek the permission of the judges if he wants to renounce worldly life and become a monk, the permission of all three judges would seem to be intended (2.1.30). Similarly, when it is stated that a wife, whose husband is away from home over a long period of time, may be allowed by the judges to remarry, all three judges would seem to be meant (3 4.35). In both these places, the word *dharmastha* is used in the plural.

The text does not refer to the presence of *sabhyas* or *sabhāsads* in the courts, to which the Smṛtis generally refer. Evidently, the *dharmastha* in the text is expected to be an expert in law and hence not dependent on the opinion of any *sabhyas*. Only in cases involving the revocation of sale or purchase or gifts it may be necessary to seek the help of *sabhāsads* for determining the amount of compensation (3.15.19, 3.16.5). These are experts (*kuśalāḥ*) capable of determining the value of the article involved, and as such they are required to see that neither party suffers because of the revocation. These *sabhāsads* or *kuśalas* are, therefore, not experts in law, to be consulted by the judges on a point of law.

In the Chapter which refers to the king himself as the judge, a list of priorities is laid down for taking up cases for consideration. The affairs of temples, hermitages, heretics, Brahmins learned in the Vedas and so on are to be taken up first in this order, then those of minors, old persons, sick persons and so on. It is, however, added that in urgent matters and in matters of great importance the rule about priorities may be set aside (1.19.29-30). It may be supposed that the same considerations are meant to apply to cases coming before the *dharmasthas*.

The *dharmasthas* are required to look into what are called *vyāvahārika arthas*, that is, cases arising out of mutual transactions (*vyavahāra*) among the subjects (3.1.1). A *vyavahāra* is a transaction or an affair between two parties. It covers not only such transactions between two parties as marriage, incurring of debts, sale etc., but also such affairs as *sāhasa* or forcible seizure, *anupraveśa* or trespass with criminal intent, *kalaha* or scuffle and so on, in which two parties are involved. In all these cases of *vyavahāra*, if one of the two parties feels aggrieved, he has to take the matter to a *dharmastha* court before the state can do

anything about it. The nature of the wrong suffered may be a monetary or other loss or a physical or other injury. As Breloer says, we have in all cases a private suit for redress of wrong or injury.[1]

However, a *vyavahāra* is primarily a transaction entered into by two parties ; hence the term would not normally apply to cases of *sāhasa*, *kalaha*, or *pāruṣya*, which are only affairs in which two parties are involved. It is in connection with *vyavahāras* in the sense of transactions entered into by two parties that the question of their validity or invalidity arises. The first topic that is discussed in the Book concerning judges is, therefore, the validity and invalidity of transactions. Some transactions become invalid, that is, illegal, by reason of the circumstances attending their conclusion. A transaction to be valid must have been entered into by persons who are competent to do so and are themselves present in person at the time ; they should generally have been entered into in the open and by day-time and should be free from secrecy or fraud. A suit filed on the basis of an invalid transaction means not only the loss of the suit and the usual fine prescribed for loss of suit, but also a heavy fine in addition for relying on an inadmissible transaction. Even witnesses present at the time of such a transaction are to be fined (3.1.2-15). We have here what may be called the law of contracts.

Ordinarily, unless a complaint is lodged by the aggrieved party, the judge cannot proceed in the matter. However, in the case of affairs concerning temples, Brahmins, ascetics, women, minors, aged persons, sick persons and orphans, the *dharmastha* is allowed to institute proceedings *suo moto*, if these do not approach the court. It is laid down, in that connection, that the affairs of these parties must not be dismissed on the plea of absence of jurisdiction (*deśacchala*) or by postponing them (*kālacchala*) or on grounds of adverse possession (*bhogacchala*) (3.20.22).

When a complaint is brought before him, the judge is to get the following details written down by the clerk of the court : the time and place of the transaction, the amount of debt, and the name, caste, place of residence etc. of the complainant as well as of the defendant. He is then to record the questions put to both of them along with their replies (3.1.17). Before, however, the case is proceeded with, the judge is to ask both parties to furnish competent sureties (*avastha*). This is intended to ensure that the fine will be received by the state whichever party loses the suit.

It seems that the law of procedure and the law of evidence were first framed in connection with suits concerning the non-payment of

1 KSt, II, pp. 140-141.

debts (*ṛṇādāna*). For, in the details about the filing of suits the matter under dispute is referred to as *ṛṇa*. Similarly, it is in the section on *ṛṇādāna* that we have a discussion on witnesses, their number, their admissibility, trustworthiness and so on (3.11.26ff.). It is obvious that debt was the most ancient and the most common form of *vyavahāra*, about which disputes were taken to the court.

Except in cases of *kalaha* or scuffle, *sāhasa* or forcible seizure and *sārthasamavāya* or agreement among members of a caravan of traders, the defendant is not to be allowed to file a counter-complaint. And so long as one complaint against a defendant is not disposed of, another complaint is not to be allowed to be filed against him (3.1.25-26).

The defendant is to be allowed a period of three to seven days in which to file his reply to the plaint. After that period, failure to file the reply means a fine depending on the number of days he takes to file the same. Failure to file the reply within three fortnights means the loss of the suit by the defendant. The decretal amount may, if necessary, be recovered from his possessions. It is, however, added that the implements of his trade or profession are not to be subject to distraint (3.1.31). The complainant, of course, is required to submit his counter-reply on the same day on which the defendant's reply is filed ; else he is to lose the suit and to be fined accordingly (3.1.27-28).

Evidence to be submitted in a court of law appears to be called *deśa* (3.1.19 etc.). It evidently refers to all kinds of evidence, documents, witnesses and so on. The word *deśa* is also used in the text in the sense of ' title ', that which establishes ownership over a thing (3.16.29, 4.6.9). That may well have been its original meaning. Another word for evidence is *karaṇa*. More often than *deśa*, it refers to a person's title or proof of ownership, as in *svakaraṇa*. In one or two places *karaṇa* appears to refer to documentary evidence as when it is said that in all transactions, except in the case of pledge (*ādhi*) and commission (*ādeśa*), a later *karaṇa* cancels the earlier ones (3.1.16) or that artisans are generally dishonest, since there is no *karaṇa* made before they accept an article for manufacture (3.12.36-37).

The *dharmastha* is to put questions to the two parties as well as to witnesses when these have to be called in because the defendant is contesting the claim. Such persons are to be cited as witnesses as were present at the time of the transaction in question. Those who were present at the time are called *śrotṛ*s ' hearers ' (3.1.4,14 etc.). This word shows that in the beginning all transactions were carried out without a written document, witnesses to them being ' listeners ' to what was taking place. When they come to the court for giving evidence, they are called *sākṣins*, eye-witnesses, the emphasis being on what they saw. We often find reliance placed on the testimony of *upadraṣṭṛ*s

and *upaśrotṛs* (3.11.31, 4.6.12). Witnesses are not thought of as witnesses to documents, who put their signatures to them.

It is stated that when witnesses have to be called in there should be at least three of them, or two if both parties agree, but never one in a dispute concerning a debt. That they should be trustworthy and honest or acceptable to both the parties is naturally emphasised (3.11.26-27). Some persons, however, are inadmissible as witnesses, either because they have an interest in one of the parties to the suit, such as his kinsmen or dependents, or because they suffer from some physical or social disability, such as blind or deaf persons or outcasts, or because they hold certain positions, such as that of a state servant; the king himself is not to be a witness. Women as such appear to be inadmissible as witnesses. Exceptions are, however, allowed in cases of abuse, assault, theft or adultery, when the only inadmissible witnesses are declared to be an enemy of the accused, a wife's brother or an accomplice of the complainant (3.11.28-30).

Before witnesses are called upon to tender evidence, they are to be adjured by the judge in the presence of Brahmins, a water-pitcher and fire, to bear witness truthfully. The form of adjuration is to vary with the *varṇa* of the witnesses. To a Brahmin the judge is to say simply, " Speak the truth." He is to address a Kṣatriya or a Vaiśya with the words, " May you forfeit the reward of your meritorious deeds and may you go begging to your enemy's house, if you give false evidence." And the Śudra is to be admonished thus, " In case you give false evidence, your merit will go to the king, and his sins will pass on to you. Besides, you will be punished for perjury." (3.11.34-37).

A witness, when cited, is bound to give evidence. Else, he lays himself open to a fine of 12 *paṇas* after seven days; if after three fortnights he still persists in refusing to give evidence he makes himself liable to pay the decretal amount (3.11.38). At the same time it is laid down that normally only such witnesses should be allowed to be cited as are not residing at a distant place and as are immediately available (3.11.50).

When different witnesses give mutually contradictory evidence, the judge is to accept the testimony of the majority or that of those among them who are known to be upright or who are accepted by both sides. If witnesses testify to an amount less than the one claimed by the plaintiff, a part of the excess claimed is to be imposed as a fine on him. If, however, they testify to an amount larger than the one claimed, the excess is to be taken by the state. If, because of the plaintiff's carelessness, the amount was heard wrongly by witnesses

or was wrongly entered by him in the plaint, the testimony of witnesses is to prevail (3.11.41-43).

For perjury, the different schools of Arthaśāstra had recommended various kinds of punishment, more or less severe. Disagreeing with them, Kauṭilya himself seems to recommend only a fine of 24 *paṇas* for giving false evidence and 12 *paṇas* for refusing to give evidence (3.11.48-49). Perhaps he thought that too severe a penalty might lead to difficulties in getting witnesses. It is possible that he also does not quite approve of the rule in 3.11.38 which makes a witness liable to pay the decretal amount for refusing to give evidence, though this cannot be proved.

The text knows documentary evidence, but it does not discuss the question of their admissibility or validity. This shows that it attaches more importance to the testimony of witnesses than to documentary evidence. Obviously we have here an earlier stage in the growth of the law of evidence.

The judge is to pronounce judgment after listening to both parties and weighing all the evidence produced. A number of circumstances are mentioned as leading to a loss of the suit, especially by the complainant. For example, if the charge is shifted by the complainant, or if there is a contradiction between an earlier and a later part of the statement, or if the opposite party's statement is not proved to be false after being challenged, or if the evidence cited is not forthcoming, or if insufficient or irrelevant evidence is produced, or if evidence other than the one cited is produced, or if evidence produced by oneself is repudiated, and so on, the party concerned is to be declared to have lost the suit (3.1.19). A mnemonic verse states three main causes leading to the loss of suit: contradictions in the statement made, defects in the witnesses cited, and the non-appearance of the party in the court because of his escape from custody (3.1.47).

Another mnemonic verse enumerates five circumstances which would be helpful to the judge in arriving at a decision : a party being manifestly in the wrong, a free admission of the charge, straightforwardness in the questions and answers between the two parties, reasoning, and oath (3.1.46). Of these, the third circumstance seems to refer to the examination and cross-examination of the two parties and their witnesses. There is no reference in the text to professional lawyers. Most probably such a class did not exist. Reasoning or *hetu* clearly refers to the weighing of the evidence by the judge. Oath or *śapatha* does not appear to contain a reference to ordeals as well. These are nowhere referred to in the text. On the other hand, a solemn affirmation on oath is regarded by Kauṭilya himself, in another context,

as being quite acceptable as evidence of good faith in view of the generally dreaded consequences of a false or violated oath (7.17.5).

The party that loses the suit is required to pay to the state one-fifth of the decretal amount as fine, which is reduced to one-tenth of the amount if the claim is admitted by the defendant and the need to proceed with the case is obviated (3.1.20-21). In suits between seniors and juniors, such as between a master and his servant or between a teacher and his pupil or between a parent and his child, the senior losing the suit is to pay the smaller fine of one-tenth while the junior losing the suit is to pay the higher fine of one-fifth (3.11.32-33).

The necessity for the judges to decide the cases impartially is vividly brought out in the punishments laid down for dereliction of duty by them. A judge may err in various ways: he may not put questions to those to whom they ought to be put or put them to wrong persons, or after putting questions to someone he may ignore the reply given, or he may give instructions to, remind or prompt the person being questioned by him. If he does so, he is to be fined the middle *sāhasa-daṇḍa*. Or, the judge may threaten a person coming to his court in connection with a pending law-suit or upbraid him or brow-beat him or drive him out. The fine is the lowest *sāhasa-daṇḍa* in these cases, but is to be doubled if the judge indulges in abuse or defamation of the party. Or, he may proceed with the case without calling for evidence or dismiss it under some pretext or tire out the litigant with adjournments so that he may give up the case, or misconstrue the evidence, or help witnesses to make their depositions, or open again a case already disposed of. In these cases, the highest *sāhasa-daṇḍa* is prescribed. If the same offence is repeated by the judge, he is liable to be dismissed from service (4.9.13-16). Punishments are also laid down for the clerk of the court making errors in writing that lead to a miscarriage of justice (4.9.17). It is the *samāhartṛ* who is made ultimately responsible for detecting and punishing offences committed by officers including judges (4.9.1).

The *dharmasthas* as well as the *pradeṣṭṛs* also make themselves liable to punishment for errors in pronouncing judgments and convicting persons. For fining an innocent person they are themselves to be fined double the fine imposed. For making an innocent person suffer corporal punishment, they themselves are to undergo the same punishment. They are also to make good any loss suffered by a party through their wrong judgment eight times over (4.9.18-20).

Such treatment expected to be meted out to members of the judiciary strikes us to-day as being very strange. If judges are themselves to be fined, the dignity that is expected to be attached to their office is bound to disappear. The judges, in the scheme of this text, occupy

a position subordinate to the executive and are far from being independent of it.

A few stanzas at the end of Chapter 3.1 refer to the relative importance to be attached to the various authorities on the basis of which suits are to be decided. It is stated that a matter in dispute between two parties has four feet: *dharma*, *vyavahāra*, *caritra* and *rājaśāsana*. Of these, *dharma* is said to be based on truth, *vyavahāra* on witnesses, *caritra* on common acceptance by men, while *śāsana* is described as the king's order (3.1.39-40). These four are the different sources of authority on the basis of which a decision is to be given in a case; they are not the same as the four feet of *vyavahāra* mentioned in the later Smṛtis, which refer to four stages in the trial and disposal of a case. The first of these, *dharma*, appears to refer to the law as administered by the *dharmasthas*, which is expounded in the remaining nineteen chapters of Book 3. It is supposed to be based on *satya*, apparently in the sense of eternal truth, because it has been handed down from times immemorial. As to *vyavahāra*, it obviously refers to transactions or contracts between two parties in so far as they are valid. And *caritra* refers to local or communal customs, which are valid for the particular locality or community.

It is stated in the passage that the last of the four (*paścimaḥ*) sets aside the earlier ones (*pūrvabādhakaḥ*). This is understood by the commentators to mean that *rājaśāsana* supersedes all three. It is, however, also possible to understand a progressive supersession in conformity with the version in Nārada (*uttaraḥ pūrvabādhakaḥ*, 1.10). In that case, we may understand the idea as follows: Ordinarily, law as expounded in the text is to be followed by the judges; but if an agreement between parties is not in keeping with it, it may be considered as authoritative for the purposes of the case, provided it satisfies the conditions of validity; similarly, a local custom is to prevail over statutory law as well as over individual agreements. And, of course, a royal order is to prevail over all these. That customs prevalent in a region, a community and so on are to be allowed to be scrupulously observed is emphasised elsewhere also (3.7.40, 3.10.45).

In another set of stanzas a little further on, *saṁsthā* and *nyāya* appear in place of *caritra* and *rājaśāsana* used earlier. It seems that *saṁsthā* 'the established order' corresponds to *caritra*, and *nyāya* 'justice' corresponds to *rājaśāsana*, as suggested by Meyer. It is added here that in a case of conflict between *dharma* on the one hand and *saṁsthā* or *vyāvahārika śāstra* on the other, the decision is to be given on the basis of *dharma*, but if the *śāstra* (i.e. *dharma*) were to be in conflict with *nyāya* the latter is to be regarded as authoritative, since there the written word (*pāṭha*) goes under (3.1.43-45). There is little doubt that

these stanzas contain ideas a little different from those in the earlier stanzas. Though they, too, regard *nyāya* (apparently the same as *rājaśāsana*) as superior to *dharma*, they seem to place *dharma* above *caritra* (if this is the same as *saṁsthā*) and *vyavahāra* (obviously the same as *vyāvahārika śāstra*). This is in conflict with the earlier stanza, 3.1.39, as understood in conformity with Nârada's version. It is possible to get over the discrepancy by following the interpretation of the commentators, according to which there is no reference in it to the relative authoritativeness of *dharma*, *vyavahāra* and *caritra*, only an emphasis on the supreme authority of *rājaśāsana* in relation to all three. In any case, it is obvious that the two sets of stanzas are derived from two different sources. That is also shown by the difference in terminology, as well as by the circumstance that the two sets are separated by two other intervening stanzas which deal with a different question altogether, namely the king's duty to protect the subjects by the just use of *daṇḍa*. The two sets of stanzas, however, refer to the same subject, that of the relative importance of the four sources of authority. It is, therefore, not easy to agree with U. N. Ghoshal that the first set refers to procedural law, while the second refers to positive law.[2] Even if it be granted that *nyāya* is not the same as *rājaśāsana*, 'justice' or 'reasoning' can only refer to some principle on the basis of which a decision is to be given in a case; this in effect amounts to a question of procedure. When it is stated that *nyāya* is to prevail over the written law, the former cannot be understood to refer to any body of positive or substantive law, different from the *śāstra* (that is, *dharmaśāstra*) law.

That *rājaśāsana* is the highest authority on the basis of which a case is to be decided does not amount to saying that the king is regarded in this text as the law-maker. It is, no doubt, stated that when all *dharmas* are perishing it is the king who sets the *dharmas* going (*rājā dharmapravartakaḥ*) inasmuch as he protects the duties of the *varṇas* and *āśramas* (3.1.38). This, however, hardly means that the king can make fresh laws in supersession of those already prevalent in society. What seems meant is that the king must uphold the *varṇa* and *āśrama* order when it is threatened or disturbed by some social upheaval. In any case, it is hardly possible to agree with K. A. Nilakanta Sastri that the supremacy of the royal decree (*rājaśāsana*), maintained in this text, is exceptional among Indian writers, and "marks an attempt to evolve a new norm in civil law, in the establishment of which the royal authority would be actively exerted."[3] The word *rājaśāsana*, which is used in the context of a *vivādārtha*, that is 'a matter in dispute',

2 IHQ, 28 (1952), pp. 307-311.
3 *Age of the Nandas and the Mauryas*, p. 175.

can only refer to a judgment pronounced by the king in that case, and not to a new law promulgated by the king. There is in fact no evidence that the king has the power of legislation according to this text. One need not, therefore, think of the contemporary Hellenistic monarchies, in which the king had such power, as a possible influence on the teaching of the *Arthaśāstra*, as Nilakanta Sastri is inclined to believe. Besides, it seems quite likely that the stanzas are not Kauṭilya's own, but are derived by him from some earlier source, which could hardly have come under any such foreign influence.

K. P. Jayaswal has similarly made a distinction between what he calls the *artha* laws, that is, the king's laws or *rajaśāsana* and the *dharma* laws as found in the Dharmasūtras. And he has argued that the authority of the king's laws or *artha* laws was always regarded as supreme, a fact supposed to be shown by a remark in the *Mahābhāṣya*, '*naiveśvara ājñāpayati nāpi dharmasūtrakārāḥ paṭhanti*', where according to Sanskrit syntax the order of the king is given preference over the teaching of the Dharmasūtras.[4] Another distinction referred to by him is one between *dharma*, that is, sacerdotal law, and *vyavahāra*, that is, secular law. And he thinks that the three sets of laws, *dharma*, *artha* and *vyavahāra*, were combined for the first time by Sumati, the supposed author of the *Manusmṛti*, in the Śuṅga times.[5] There is no justification for making these distinctions. There is no evidence to show that there was at any time in existence a body of laws, known as *artha* laws or king's laws, distinct from *dharma* laws. Book Three of the *Arthaśāstra* cannot be supposed to contain this *artha* law. For, the law it sets forth is in all respects the same as that in the Dharmaśāstra works. The differences between it and the latter are no greater than those found between the different Dharmaśāstra works among themselves. Nor is there any evidence for the existence of any code of *vyavahāra* law as distinct from *dharma* law. When the *Arthaśāstra* says that *vṛddhi* or interest at one and a quarter per cent is *dharmyā* and at five per cent is *vyāvahārikī* (3.11.1), it does not mean that the former is according to *dharma* law and the latter according to *vyavahāra* law, as Jayaswal thinks.[6] It simply means that the former is the legitimate rate for loans other than those for trade purposes, while the latter rate is allowed for business loans. That is shown by the rates of 10 per cent and 20 per cent allowed in the same sūtra for loans to traders going through forests and by sea respectively. Jayaswal mentions the prescription of ordeals in *dharma* law and their absence in *vyavahāra* law as another point of distinction between the two.[7] However, neither Āpastamba

4 *Manu and Yājñavalkya* (Calcutta, 1930), p. 17.
5 *Ibid.*, pp. 9ff. and p. 93.
6 *Ibid.*, p. 15.
7 *Ibid.*, p. 134.

nor Baudhāyana nor Vasiṣṭha nor Gautama, who are supposed to have given the *dharma* law, contains a single reference to ordeals as a means of proof. Manu barely mentions them in 8.114-116. It is only from Yājñavalkya onwards that ordeals are found treated in Dharmaśāstra works.

As a matter of fact it is difficult to imagine a state of things where two or three different codes of law were current at one and the same time, with different degrees of authoritativeness attaching to them. Codes of law were not formulated in ancient India by law-givers specially appointed for the purpose like Lycurgus or Draco in Greece; nor was law the result of any legislative activity by something like an assembly of elders or by the king. Law, as administered in courts, was regarded as immemorial, that is, true for all time. That was because in its origin it was that body of customs and practices, common to the Aryan communities, which had been faithfully observed from generation to generation. Much of this customary law, H. S. Maine has pointed out, probably goes back to the Indo-European age, though different peoples sometimes developed the same ideas in different ways.[8] P. Vinogradoff remarks in this connection, "The significant fact is that in spite of profound differences in results, we do observe especially in family law and in that of succession and Real Property—principles and rules that are varieties of the same leading ideas" among Indians, Teutons, Celts and other Indo-Germanic peoples.[9] This body of customary law was analysed and arranged under suitable heads in the early schools of Daṇḍanīti. If there are differences among the various schools, a fact which the *Arthaśāstra* attests, these appear to be due to the predilections of individual teachers of the schools. To some extent they may also be due to regional variations or to changes necessitated by changed circumstances. But the body of laws remained one and the fundamental unity of *dharma* was not questioned, even when adherence to different *deśadharmas*, *jātidharmas*, *kuladharmas* etc. was considered quite legitimate. And this law or *dharma* was given to the state, which was not concerned with its formulation.

This law is set forth in the *Arthaśāstra* under the following seventeen heads: (1) *vivāhasaṁyuktam*, marriage and allied topics; (2) *dāyavibhāgaḥ*, partition of inheritance; (3) *vāstukam*, property and disputes concerning it; (4) *samayasya anapākarma*, failure to participate in community affairs; (5) *ṛṇādāna*, non-payment of debts; (6) *aupanidhikam*, concerning deposits; (7) *dāsakarmakarakalpaḥ*, law concerning slaves and labourers; (8) *saṁbhūyasamutthānam*, undertakings in

8 *Early History of Institutions* (London, 1875). Lectures VII and IX-XI.

9 *Outlines of Historical Jurisprudence*, Vol. I (Oxford Univ. Press, 1920), p. 229.

partnership ; (9) *vikrītakrītānuśayaḥ*, revocation of a sale or a purchase ; (10) *dattasya anapākarma*, non-conveyance of gifts made ; (11) *asvāmivikrayaḥ*, sale without ownership ; (12) *svasvāmisaṁbandhaḥ*, law concerning ownership ; (13) *sāhasam*, forcible seizure of an object ; (14) *vākpāruṣyam*, verbal injury ; (15) *daṇḍapāruṣyam*, physical injury ; (16) *dyūtasamāhvayam*, gambling and challenging ; and (17) *prakīrṇakam*, miscellaneous.

A comparison with the titles of law in Manu and other Smṛtis shows some differences in number, in the nomenclature of titles and in the scope of the topics under some heads. More especially, the order in which the topics are arranged is different in the *Arthaśāstra* from that in the Smṛtis. It will be seen that the arrangement in this text is more rational, starting as it does with law concerning domestic affairs and then proceeding to that concerning affairs in which strangers are involved. And every topic is treated in as detailed a manner as possible, at the same time ignoring all extraneous considerations in which an author like Manu is often prone to indulge.

The first head is marriage, which, says the text, precedes all *vyavahāras* (3.2.1), inasmuch as it is the starting point of domestic or family life and, through it, of all social life. The topic is divided into thirteen sub-sections, many of them, such as *dveṣa*, dislike, *bharma*, maintenance, *niṣpatana*, the wife's going away from home, *pathyanusaraṇa*, her going with a man, and so on, are hardly thought of in the Smṛtis. It is obvious that the rules contemplated here have a wider application than those in the Smṛtis, which for the most part are concerned with matters affecting the upper *varṇas* only. At the same time, the rules reveal a breadth of outlook on the part of the author, which is generally missing in the Smṛtis. (Chapters 3.2-4).

From marriage the text proceeds to the topic of sons and the partition of the estate. The various kinds of sons are described mostly as in the Smṛtis. The law of inheritance, however, which is found here, appears to be more simple and in some respects more primitive than that in the Smṛtis. The mixed castes to which it refers as a result of *varṇasaṁkara* are fewer in number than those mentioned in Manu, and of course, than those in Yājñavalkya. The practice of *niyoga* and the special shares of the eldest and other sons are mentioned without any suggestion that they had become obsolete in the days of the author. (Chapters 3.5-7).

Arising naturally out of the topic of partition of property is the next head dealing with immovable property. Immovable property is defined to include a house, a field, a garden, a water-work, a tank and a reservoir of water (3.8.2). Disputes concerning these are generally to be settled on the testimony of neighbours. This head covers such

topics as construction of houses and their adjuncts, tenancy, sale of property, disputes about boundaries, encroachment on others' property and causing damage to it, the use of irrigation tanks and so on. Many of these topics are not found in this form in the Smṛtis, which mostly content themselves with the treatment of boundary disputes and damage caused to fields by cattle. That we have in this text an exhaustive treatment of topics concerned with matters likely to lead to disputes in a court of law is quite obvious. (Chapters 3.8-10).

The next head deals primarily with the non-fulfilment of obligations which devolve on a person by the fact of his being a member of a community, such as a village, a region, a caste, a family or a *saṃgha*. For example, a person is bound to contribute to a show put up in a village or to undertakings that are intended for the benefit of the entire community. It is obviously the purpose of the rules under this head to ensure harmony in village life or in a caste or in a family and to see that this harmony is not upset by individuals acting on their own. (Chapter 3.10).

The fifth head is concerned with debts and deals with such questions as rates of interest, which are to depend on circumstances, liability for the payment of debts incurred by others, the mode of recovery of debts, the time limit after which a debt becomes time-barred and so on. These topics are treated in the Smṛtis in practically the same manner. It is under this head that the question of witnesses is discussed, which is also the case in the *Manusmṛti*. (Chapter 3.11).

Connected with the topic of debts is that of *ādhi* or pledge given to the creditor. That, along with other topics, is discussed in the next section called *aupanidhikam*. It deals not only with deposits (*upanidhi*), but also with pledges, borrowings, goods given to agents for sale, material given to artisans for manufacture of articles and so on. Common to all these transactions is the circumstance that the property of one person passes into the temporary possession of another person. The main question in all these cases is the liability of this latter individual for the safety or return of the object handed over to him. The topics treated in the *Arthaśāstra* under this head are more numerous than those in the Smṛtis, which, in the main, deal only with what are called sealed and open deposits. In particular, *nikṣepa* has in this text a sense ' the handing over of gold etc. to an artisan for the manufacture of some article ', which is not found in the Smṛtis. And the various ruses described in the text for the recovery of material misappropriated by artisans (3.12.38ff.) have little corresponding to them in those works. (Chapter 3.12).

The next head deals with *dāsas* and *karmakaras*. The former term includes not only the *dāsa* proper but also the *āhitaka*, the person pledged

with the creditor when contracting a debt. The *karmakara* differs from these two in that he is not in the power of another person. He only contracts to do a specific work for a specified wage. The text mentions various types of slaves and emphasises their right to freedom on the payment of a ransom-amount. And it lays down elaborate rules concerning the proper treatment to be given to *dāsas* and *āhitakas*, both male and female, and provides appropriate penalties for their violation. The rules insist on a humane treatment of the *dāsas* and show that this type of slavery had little in common with that found in other ancient civilizations. As regards the *karmakaras*, the question principally discussed is about wages and their payment. The duties of both the employer and the employee are laid down in that connection. It is interesting to note that the rules visualise a *saṁgha* or union of workers, which enters into a contract with an employer and distributes the remuneration received among individual labourers. The Smṛtis have only scrappy rules on these topics. Only Nārada refers at some length to *dāsas*. The rest content themselves with the question of the non-payment of wages only. (Chapters 3.13-14).

The law of partnership refers principally to agriculturists and traders. The former appears to be a sort of partnership among labourers working for the same landlord. The rules deal mainly with the question of the illness of a partner and his consequent withdrawal from the joint undertaking, which means the question of the quantum of his share which is to be in conformity with the time of his withdrawal. The rules are made applicable to priests engaged in a sacrifice, various stages reached in its performance entitling a priest retiring at the time to varying shares of the fees due to him. The *Manusmṛti* mentions only this form of partnership and no other. (Chapter 3.14).

The next head about the revocation of a sale or a purchase prescribes the period within which a sale may be revoked or a purchase refused. It is to be noted that it is this section on sale and purchase that refers to the question of the annulment of a marriage agreement even among higher *varṇas*; that implies a sale of girls by receiving a dowry. (Chapter 3.15)

Closely allied to the preceding is the section on non-conveyance of gifts. It refers to the kind of promises of gifts that can be revoked, as well as to the kind of gifts that can be claimed in the same manner as a debt. (Chapter 3.16).

The next head about lost or stolen property describes the procedure to be followed when a person claims that something in another person's possession is his property. This section declares it as the duty of the state to recover lost or stolen property and, if unable to recover it, to compensate the owner for its loss. (Chapter 3.16).

Connected with the preceding is the next section dealing with the question of adverse possession. Different periods of adverse possession confer ownership in the case of different types of property. But certain things cannot belong to another by the fact of adverse possession; such are a deposit, a pledge, a buried treasure, a woman, a boundary, king's property and the property of a Brahmin learned in the Vedas. (Chapter 3.16).

The next head is *sāhasa*, which is the forcible seizure of an object, when there is *anvaya*, which terms seems to refer to 'the presence' of the owner at the time the object is seized. As the owner is likely to resist, there is the possibility of violence in the case of *sāhasa*.[10] It is also possible that *anvaya* refers to ' connection ', that is, some sort of claim that the person seizing the object may have over it. It is in this section that the amounts of the three *sāhasa-daṇḍas* are mentioned. The *prathama* or lowest is a fine of 48 to 96 *paṇas*, the middle is a fine of 200 to 500 *paṇas*, while the highest is 500 to 1,000 *paṇas*. These amounts differ from those given in the *Manusmṛti* and the *Yājñavalkya-smṛti*. For abetment and instigation of *sāhasa*, the school of Bṛhaspati had recommended very severe punishment. Kauṭilya suggests mitigation if there has been any provocation. (Chapter 3.17)

The next two heads deal with *pāruṣya*, injury, which may be either verbal or physical. The former includes slander or defamation, contumely and threat, the latter defiling of the body, menacing and hitting. The punishments in these two sections are generally regulated on the basis of *varṇas*, a person of a higher *varṇa* getting a lighter punishment than a man of a lower *varṇa* for the same offence. In fact, sliding scales have been laid down in these matters. The former section also lays down punishments for slander of one's own country or village, of one's caste or *saṁgha* and of a god or a sanctuary. The latter section similarly includes punishments for causing damage to trees in city-parks and trees providing shade or bearing flowers and fruits or to useful bushes and creepers or to trees in holy places, penance-groves and cremation-grounds or to trees serving as boundary marks. It is in the latter section that Kauṭilya, disagreeing with the earlier teachers, asserts that an evil-doer must not be let off, however old his offence may be. (Chapters 3.18 and 19).

The next head of law is concerned with gambling. This text does not condemn gambling outright nor does it prescribe the punishment of death or banishment for gamblers, as the *Manusmṛti* (9.221-228) does in its puritanical zeal. It lays down rules for the state control of gambling. It is required to be centralized in places provided by the

10 Cf. L. Rocher, JOR, XXIV (1954-55), pp. 24-25,

state with officers in charge, who collect five per cent of the winnings on behalf of the state. The ancient teachers had prescribed a heavier fine for the loser at gambling if he lost the suit as well than for the winner at gambling, on the ground that the former is apparently trying to recover his losses through the court. Kauṭilya disagrees and argues that all gamblers, whether they win or lose, tend to cheat, and that discrimination in the matter of punishment would lead to loss of confidence in the courts of justice. (Chapter 3.20).

The last head, *prakīrṇakam*, is a really miscellaneous collection of offences, arranged in groups in accordance with the amount of fine they carry. Most of the offences listed here are new, but a few could well have been included in one or the other of the earlier heads of law. Some of the important offences mentioned here are: inviting a person for meals to the exclusion of immediate neighbours, approaching a woman in the exclusive keeping of another, breaking open a sealed house, concealing a family treasure that is in one's charge, a Caṇḍāla touching an Ārya woman, not running to the rescue of another person in distress, feeding monks of the Śākya, Ājīvaka and other heretical sects at rites in honour of the gods and the *pitṛs*, interrogating a suspect without authority, doing an officer's work without being an officer, causing the abortion of a female slave, putting under bondage a minor or an innocent person, releasing from bondage a lawfully bound person, and so on. (Chapter 3.20).

This very brief review of the law found in Kauṭilya will, it is hoped, show how it has been treated by him in the most systematic manner. The treatment is also as full as possible. This is an aspect of Kauṭilya's teaching which is generally ignored in most studies of this work. Compared with this text, the earliest works on Dharmaśāstra, namely, the Dharmasūtras of Āpastamba and others, contain only scrappy rules on only some of the topics treated here. They mostly concern themselves with marriage and inheritance, and to some extent with debts and deposits. But they contain practically nothing corresponding to a large number of topics treated so fully in this text, which can legitimately form the subject-matter of a dispute among subjects to be adjudicated in a court of law. The Dharmasūtra works, therefore, can hardly be regarded as giving us a genuine code of law. Such a code we find only in the *Arthaśāstra*.

Manu, the first among the Dharmaśāstra writers to treat law in any systematic manner, shows many deviations from the law as found in the *Arthaśāstra*. He ignores many rules on various topics found in this text, for example on *dāsas* and *karmakaras*, on *vāstuka*, on *daṇḍapāruṣya* and so on. That is evidently because these matters were not regarded as important by him. It is impossible to maintain that his

silence is an indication of his early date. Problems connected with these topics could not have been non-existent even in the very early days. Some of the differences in the rules of Manu are due to the author's strong bias in favour of Brahmins and his general indifference to and even something like an animus against the Śūdras. It was argued earlier that the *Manusmṛti* cannot be regarded as a possible source of the *Arthaśāstra*, and that, on the contrary, it is extremely likely that the *Arthaśāstra* or something very much similar to it was the source of Manu and the other Smṛti writers.[11] What they did to it from their restricted and intolerantly Brahmanical point of view was to circumscribe it and reduce its scope, giving to it at the same time a more puritanical touch. As H. S. Maine has remarked, " The influence of the Brahmanical treatises on mixed law and religion in sapping the old customary law of the country has always been very great, and in some particulars it has become greater under English rule. "[12] It is perhaps a pity that the full code of law which we find in Kauṭilya and which could well have been the basis even of modern legislation on a number of topics came to be ignored and that its breadth of outlook despite its adherence to the *varṇa* system, its warm humanitarianism and its understanding of the realities of actual life, were set aside in favour of the rather one-sided and narrow-minded teaching of Āpastamba, Manu and others. The works of these can hardly be called codes of law, whereas the *dharmasthīya* section of the *Arthaśāstra* contains a code of law in the real sense of the term. What is important is that this code is as much, if not more, rooted in tradition as the Dharmaśāstra works.

11 See pp. 80-83 above. See also pp. 12-16 above.
12 *Early History of Institutions* (London, 1875), pp. 382-383.

CHAPTER TEN

INTERNAL SECURITY

To ENSURE the *yogakṣema* of the subjects is, as we have seen, one of the foremost duties of the state.[1] For their *yogakṣema* the subjects must have security of person and property. Such security is disturbed by criminals like thieves, robbers etc. Besides, *yogakṣema* is made difficult by other anti-social elements like corrupt officials, deceitful merchants and others. These are all called *kaṇṭakas* or thorns in the body politic. The weeding out of these thorns, *kaṇṭakaśodhana*, that is the suppression of criminals and other anti-social elements, is thus an important function of the state. The *Arthaśāstra* devotes the entire Fourth Book to this topic.

As remarked earlier, the suppression of crime and the maintenance of law and order, especially in the countryside, is ultimately the responsibility of the *samāhartṛ*.[2] Through his secret agents he has to be on the lookout for criminals and anti-social elements including corrupt officials (4.4.1-5). He is also required to take steps to round up gangs of dacoits and thereby assert the power of the king (4.5.18). And all the officers who are directly concerned with the investigation of crime and the punishment of criminals are subordinate to the *samāhartṛ*.

The principal officers who are to help the *samāhartṛ* in the task of *kaṇṭakaśodhana* are the *pradeṣṭṛs*. Three *pradeṣṭṛs*, it is stated, should be stationed at the headquarters of the *gopas* and the *sthānikas* (4.1.1 and 2.35.7). This means that three *pradeṣṭṛs* are to serve in an area covered by a group of five or ten villages and that there are to be three *pradeṣṭṛs* at each of the *sthānika*-headquarters. The capital city is specifically excluded from the jurisdiction of the *pradeṣṭṛs*. The detection of crime and the punishment of criminals in the city is the responsibility of the *nāgarika* (4.6.20). In the task of detecting thieves and other criminals, the *pradeṣṭṛs* are to be assisted by the *gopas* and the *sthānikas* (4.6.20). These two have, therefore, police duties in addition to revenue and survey duties.

The *pradeṣṭṛs* are thus primarily police officers, whose duty it is to investigate crimes committed in the region within their jurisdiction. They have, however, also the power of inflicting punishment. For, like the *dharmasthas*, they are also liable to be punished themselves if

1 See pp. 118-119 above.
2 See p. 196 above.

they inflict monetary or corporal punishment wrongfully (4.9.18-20). They have thus magisterial powers also. It seems, however, that we cannot quite speak of magistrates' courts in the sense that regular trials of criminals are to be conducted in them. If, after investigation, the guilt of a person is established to the satisfaction of the *pradeṣṭṛs*, they appear to be authorized to impose the penalty straightway without a trial in a court. That may be the reason why very great emphasis is placed on the thoroughness of the investigation in the case of major crimes like theft or murder and why the *pradeṣṭṛs* themselves are made liable to punishment for wrong or perverse decisions.

The difference between the jurisdictions of the *dharmasthas* and the *pradeṣṭṛs* does not quite correspond to the distinction between civil and criminal matters. A few of the offences that fall within the former's jurisdiction, for example some cases of *sāhasa* and *daṇḍa-pāruṣya*, would appear to be of the nature of criminal offences. In connection with some offences of physical injury, it is stated that if death results from the injury inflicted, the matter is to be referred to the *pradeṣṭṛs* for *kaṇṭakaśodhana* (3.19.15). That may partly be because in the event of death the aggrieved party is not there to file a suit in the court of a *dharmastha*, also because it now becomes a matter of culpable homicide or murder, which requires a thorough investigation. It is obvious that the *dharmasthas* are concerned only with matters arising out of dealings between two parties (*vyāvahārika artha*), and it is necessary before they can do anything about the matter that the aggrieved party should file a suit in their court. In matters with which the *pradeṣṭṛs* are concerned, namely crimes such as theft, robbery, murder etc., the perpetrator of the offence is generally not known, and hence no suit can be filed in a court against any person for redress of wrong. Only complaints can be lodged with state officers, the *pradeṣṭṛs*, who are to investigate the matter thoroughly and, if able to find the culprit, punish him. No trial of the criminal appears to be contemplated, because though the Book describes at length the procedure of the investigation of various crimes, it says not a word about proceedings in a court. All questionings of persons, whether suspects or witnesses, are part of investigation, not of trial in a court.

The first four Chapters of this Book do not deal with crimes properly so called. The first Chapter deals with artisans and craftsmen like weavers, washermen, smiths etc., who are prone to cheat the public with respect to the quality and quantity of the goods produced by them, also to charge exorbitantly for their services. The Chapter lays down regulations for controlling their activity. Though the *pradeṣṭṛs* would appear to be the officers concerned with the enforcement of these regulations, it is not clear how they can effectively do so. For, most of

these artisans are likely to be working in the city, which appears to be outside the jurisdiction of the *pradeṣṭṛs*.

The second Chapter deals with traders who may cheat customers by giving them short weight and measure or by adulterating goods or by manipulating prices and so on. Two officers are mentioned in this Chapter, the *saṁsthādhyakṣa*, who controls activity in the markets, and the *paṇyādhyakṣa*, who controls the traders. It is clear that the *pradeṣṭṛs* do not come into the picture in this case; the two officers cannot be thought of as subordinate to the *pradeṣṭṛs*.

The fourth Chapter describes what are called *gūḍhājīvins* 'those who earn a secret living', whose activity must be put down by the state. Thirteen of these are mentioned, among them the *dharmastha*, the *pradeṣṭṛ* himself, the *grāmakūṭa* and the *adhyakṣas*. These are likely to be corrupt, to accept bribes or to extort money. Traps are to be laid for catching them doing so. As the *pradeṣṭṛ* himself is mentioned as a likely *gūḍhājīvin*, it is clear that the *samāhartṛ* has to be thought of as the officer concerned with finding out about these offences. The other *gūḍhājīvins* include witnesses prepared to give false evidence for money, practitioners of black magic, makers of counterfeit coins, dealers in poisons and stupefying drinks, and so on. The punishment recommended for all *gūḍhājīvins* is banishment, which, however, can be avoided by payment of a redemption amount, to be determined in accordance with the offence.

The third Chapter details measures to be taken for the relief of the subjects when they are overtaken by a natural calamity like floods, fire, epidemics, famine etc. Though the *pradeṣṭṛ* is not mentioned in connection with these measures, and though in one or two places the king himself is thought of as the person initiating measures of relief, we might suppose that the subordinates of the *samāhartṛ*, namely, the *pradeṣṭṛs*, *gopas*, and *sthānikas*, would be playing an important role in taking the actual measures. The word *kaṇṭaka* can be applied to these natural calamities only in a figurative sense.

The rest of the Book deals with crimes proper. The principal crimes which are to be investigated by the *pradeṣṭṛs* are dacoities, thefts and murders. Dacoits are called *māṇavas* in this text and an elaborate procedure is described for apprehending their gangs. Secret agents posing as holy men play a large part in these operations. They work on these dacoits' belief in magical powers and lay a suitable trap for apprehending them. After they are apprehended, a close investigation of their past activities and their associates is to be carried out. (Chapter 4.5).

Robbers, highwaymen and habitual thieves are also to be trapped through secret agents who have managed to win their confidence. When they have been caught, the *samāhartṛ* is to point out to the people how the king is omniscient and how with his magic powers he can apprehend evil-doers. This is intended to keep people on the straight path by imposing on their credulity (4.5.13-14,18).

The arrest of a person may be effected on three grounds: *śaṅkābhigraha*, arrest on suspicion, *rūpābhigraha*, arrest when in possession of stolen goods, and *karmābhigraha*, arrest on consideration of the circumstances attending the crime. A very exhaustive list is given of circumstances that would justify arrest on suspicion. For example, a person spending money lavishly, or one addicted to wine, women or gambling, or one trying to get his wounds treated secretly, or one found moving about stealthily at night, or one moving about in some disguise, or one avoiding the sight of officers, or one making frequent inquiries about the wives or property or houses of other persons, and so on, may be arrested on the suspicion that he has either committed or is about to commit the offence of theft or murder or adultery (4.6.2).

When stolen goods are found in the possession of a person a thorough investigation about the manner of his acquisition of them is to be made. If he can prove that he got them in some legitimate way like purchase or gift, he is to be let off and the person from whom he had got them is to be asked about the way he had got them. That individual reached in this way, who cannot prove his innocence and must be supposed to have come by the goods in an illegitimate manner, is to be treated as a thief and punished (4.6.3-15).

In a case of house-breaking, the investigating officer is to try to ascertain first whether it was likely to have been committed by an outsider or by someone inside the house itself or by both in collusion. A long list of indications is given which would show whether the offence was committed by someone inside the house or by some outsider. It shows a thorough knowledge of the ways of thieves and other criminals and their behaviour before committing the act and after committing it (4.6.16-19).

A person arrested for theft is to be questioned at length in the presence of the owner of the goods and witnesses. If his plea of innocence is corroborated by independent evidence, he is naturally to be let off. If, however, circumstantial evidence points to the guilt of a person, but he still denies the charge, torture or *karma* is recommended for securing a confession. Ordinary torture is said to be of four kinds, beating with a stick up to six strokes, whipping up to seven lashes, suspension from a height twice, and giving the water-tube (?*udaka-nālikā*). In the case of more heinous offences, fourteen other ways are mentioned.

The exact nature of some of them is far from clear. There appears to be a reference to 'nine canes', 'twelve whippings', 'thirty-two slaps', 'two scorpion bindings', 'burning a finger-joint', 'heating in the sun', 'a bed of *balbaja* grass on a winter night' and so on. It is laid down that only one torture is to be applied on any one day, and that there is to be no torture on two successive days. Torture is prohibited in certain cases, for example in the case of a pregnant woman or a woman in the first month after delivery. Similarly, Brahmins and ascetics are not to be tortured; instead secret agents should be used to trap them into confessing their guilt. Some persons have necessarily to be put to torture, for example a suspect whose previous conduct shows him to be a habitual criminal, a person who retracts after making a confession, a person with whom part of the stolen goods are found, a person concealing state money, and a person who has to be tortured to death at the king's order. The last case is unconnected with the the investigation of crime and appears to be inspired by political motives. (Chapter 4.8).

This open recommendation of third degree methods for securing a a confession need not be surprising in a work which is so thoroughly realistic in all matters connected with the running of a state. These methods have been practised in all countries and in all ages. The only thing is that the fact is not openly admitted, as is done in this śāstra. It must also be pointed out that the śāstra has tried to regulate the use of these methods. Its recommendations on these matters are characterised by humane considerations which are remarkable. The forms of torture referred to by it appear to be less torturous than many a method actually in vogue in other climes and in other ages.

It has been argued that *karma* in this section does not mean torture for eliciting a confession from a suspect, but corporal punishment that is to be meted out after the guilt has been proved.[3] This might seem supported by the remark *āptadoṣaṁ karma kārayet* (4.8.17). However, the section in which *karma* is recommended is called *vākyakarmānuyogaḥ*. Dikshitar understands this to mean 'examination on evidence and action to be taken thereon'.[4] Earlier he had understood it to mean 'the jury pronouncing on guilt or innocence (*vākyānuyoga*) and the judgment of the chief justice (*karmānuyoga*)'.[5] Neither rendering can be accepted. The meaning of *anuyoga* is 'questioning' and two kinds of questioning, that is investigation, are thought of in the section: one oral (*vākyānuyoga*) and the other by means of *karma*. Thus *karma*

3 V. R. Ramachandra Dikshitar, *Mauryan Polity* (Madras, 1953), pp. 165-167, and *Hindu Administrative Institutions* (Madras, 1929), pp. 237-252; also K. P. Jayaswal, *Manu and Yājñavalkya*, pp. 86-87.

4 *Mauryan Polity*, p. 165.

5 *Hindu Administrative Institutions*, pp. 246-247.

is a means of investigation like *vākya*, not a mode of inflicting punishment. It is to be resorted to when the oral investigation does not establish the innocence of the suspect. The instance of Māṇḍavya who is said to have declared himself to be a thief for fear of having to suffer the pain of *karma* (4.8.12) shows that *karma* is something that precedes the establishment of guilt, not punishment for guilt already established. Moreover, if *karma* were only punishment of one already convicted, there would be little sense in recommending *sattriparigraha* in place of *karma* in the case of Brahmins and ascetics (4.8.19). The use of secret agents (*sattriparigraha*) is for the sake of finding out if they are really guilty, and can certainly not be looked upon as a form of punishment for a convict Besides, actual corporal punishments for the various crimes are described in Chapters Ten, Eleven and Twelve of this Book. It seems that we have to understand *āptadoṣa* in the sense of 'one to whom suspicion concerning the offence is strongly attached.'

Punishments for theft are laid down in a Chapter, the purpose of which is to prescribe a money fine corresponding to the corporal punishment recommended first. The Chapter refers to various other crimes beside theft for which corporal punishment is prescribed in the first instance. These include entering the fort without permission, cheating at gambling, riding a royal vehicle, selling human flesh and so on. The corporal punishments range from the cutting off of two fingers of one hand to execution. All forms of corporal punishment, excepting the punishment of death, can, however, be avoided by paying a redemption amount as prescribed in each case. (Chapter 4.10). It is possible that the corporal punishments mentioned here represent the most primitive stage in penal law, and that they came to be gradually replaced by corresponding monetary fines.

In the case of a sudden death, *āśumṛtaka*, when murder or suicide may be suspected, a post-mortem examination is to be held. The body is to be prepared by smearing it with oil, obviously with the object of bringing to light any marks of violence or wounds. We have a description of the condition and appearance of the body in the case of death resulting from various different causes. Thus, if death is caused by strangulation, there is a swelling of the hands and feet, voiding of urine and stools, bulging of eyes, and marks on the throat. If in addition there is a contraction of the arms and thighs, death by hanging is indicated. Closed eyes, a bitten tongue and a swollen belly indicate death by drowning. Other cases are similarly described. It is added that the officer must be very careful in his investigation, since a case of murder is often made to appear as a case of suicide. If poisoning is suspected, the remains of the last meal eaten by the deceased should be tested ; or a part of his heart may be thrown in fire, its crackling

sound or rainbow colours indicating the presence of poison. It is stated that a likely culprit in a case of poisoning would be a servant severely reprimanded or thrashed by the deceased, or a wife in love with another, or a person hoping to inherit his property. The usual motives of murder are, it is declared, a woman, property, professional rivalry and a pending law-suit. If murder is definitely indicated, investigation must be made to trace the murderer by questioning all those with whom the deceased was last seen and those who had dealings with him just before his death. If, on the other hand, it is proved to be a case of suicide, investigation must be made to find out what led the person to commit it. At the same time, it is clear that suicide is regarded as a sin. In two stanzas, whose genuineness, however, is not altogether above suspicion, it is declared that a Caṇḍāla should drag a suicide's body along the highways and no obsequies are to be allowed to be performed in his case. A kinsman attempting to perform the obsequies is to be treated as an outcast. (Chapter 4.7).

For murder, the death penalty is naturally prescribed. If after a scuffle, death follows after some interval of time, the punishment is reduced. The death penalty is to take different forms according to the nature of the offence. Skinning the head and then setting it on fire is the form of death for murdering one's mother, father and others. Tearing asunder by bullocks is prescribed for the woman killing her husband or some elder. Death by drowning is recommended for one who kills by poison. (Chapter 4.11).

Offences connected with sex are treated in a section called *kanyāprakarma* 'violation of maidens'. A very large number of offences are referred to in this section. For many of these offences, too, corporal punishment is prescribed, though in most cases that can be avoided by paying a redemption amount instead. Those who help others to commit sex offences are also liable to the same punishment. (Chapter 4.12).

The last Chapter of this Book deals with what are called *aticāras* 'acts of misconduct'. These include such offences as approaching an elder's wife with carnal intentions, and having sex relations with a woman of another *varṇa*—offences to which the Smṛtis refer. Other *articāras* are of a miscellaneous character, such as making a person eat what is unfit for consumption or drink what is undrinkable, entering another man's house with or without a weapon, failing to warn persons to get out of the way when felling a tree or leading an untamed animal or throwing a stone, stick etc., failure of the cart-driver to take precautions against injury to passers-by, causing injury to others by means of magic, and so on. (Chapter 4.13).

A special Chapter refers to the offences by state officers themselves. Scales of fines are laid down for theft of royal goods from stores and

other places. The punishment of death is prescribed for stealing an article worth ten *paṇas*. Dereliction of duty by the *dharmastha* and the *pradeṣṭṛ* are made punishable in this section. So are offences by the prison superintendent and his assistants. (Chapter 4.9).

A striking feature of these penal laws is the absence of any mention of imprisonment as punishment for any of the crimes. Punishment, as a rule, takes the form of a fine, which is allowed to be substituted even when originally corporal punishment is prescribed. The preference for fines may perhaps be due to the circumstance that fines are an important source of state revenue. Traditionally, *daṇḍa* and *kara* appear as the two sources of remuneration which the king is entitled to receive in return for the protection he grants to the people (1.13.8). Fines in the text range from a few *paṇas* to 1,000 *paṇas*, a frequent basis being the three *sāhasa-daṇḍas*.

The text states that usually *rūpa*, that is a surcharge of eight per cent, is levied on every fine up to 100 *paṇas*, and an additional surcharge of five per cent is levied on fines above 100 *paṇas*. It adds that these imposts are really unlawful and are due to the greed of kings and the criminal tendencies among subjects, and that, therefore, only the fines as prescribed should be considered lawful (3.17.15-16). It is possible that this criticism of the imposts current in his days stems from Kauṭilya himself.

In connection with the punishments prescribed for the various crimes, the *pradeṣṭṛ* is required to use his discretion in imposing them by taking into consideration the character of the offender, the nature of the offence, extenuating or aggravating circumstances, if any, the time and place of the offence, and the immediate and future consequences of the crime and the punishment. He is asked to impose the penalty in such a way that he shows partiality neither to the king nor to the subjects (4.10.17-18). He is not to swell state coffers by imposing exorbitant fines nor deprive the state of its dues by imposing light fines.

It is stated that if an innocent person is punished, the king must impose on himself a fine thirty times that amount and offer it to Varuṇa and thereafter distribute it among Brahmins, so that the sin of wrongful punishment may thereby be wiped out (4.13.42-43). The authenticity of the two stanzas which state this is open to doubt; the text does not, as a rule, show such partiality to Brahmins as such. Besides, the statement implies that the king himself is the dispenser of justice. When special officers are appointed and are themselves made punishable for wrong judgments the rule would seem to have little application, though it is possible to suppose that even then the state would be expected to pay out to Brahmins thirty times the fine imposed on an innocent person.

It is clear from this survey that we have in this Book as full a penal code as one might expect under the circumstances together with what may be called a police manual. This code did not have the sanctity of tradition behind it as was the case with the law administered in the courts of the *dharmasthas*. But even this code must be supposed to be the result of a long process of evolution in the field of suppression of crime, which is one of the most important functions of the state. We find here relics of old forms of punishment, with efforts at mitigating their rigour in many cases. In fact, in connection with the various forms of the death penalty, it is stated that these punishments of death accompanied by torture are as laid down in the works of great men, but that it would be preferable to resort to simple execution (4.11.26). It is quite possible that Kauṭilya himself is here expressing a view different from that of the earlier teachers.

K. A. Nilakanta Sastri has rightly contested the view that *dharmasthīya* and *kaṇṭakaśodhana* laws correspond to the modern civil and criminal laws respectively. But he goes on to express the view that *kaṇṭakaśodhana* courts were introduced to meet the growing needs of an increasingly complex social economy and to implement the decisions of a highly organised bureaucracy on matters unknown to the old legal system. He thinks that they are an innovation of Kauṭilya based on foreign models and were calculated to strengthen the power of the monarch and the position of the new bureaucracy.[6] In another place he has expressed the opinion that the changing social conditions were the result of the impact of Alexander's invasion.[7]

It is not possible to agree with this view about the origin of these laws. A glance at the contents of this Book on *kaṇṭakaśodhana* will show that the major portion is concerned with the investigation and and punishment of crimes. The crimes to be investigated are dacoities (4.5), house-breaking and robbery (4.6), murder and suicide (4.7), theft (4.10), culpable homicide (4.11), sexual crimes (4.12) and other criminal misconduct (4.13). Chapter 4.8 is concerned purely with investigation. It cannot be maintained that these crimes had attained a particular significance in Kauṭilya's day and that this was the result of a foreign invasion. Dacoits, highwaymen, robbers, thieves, sexual miscreants have been with us since very great antiquity. There may be a spurt in these crimes when conditions are disturbed; but criminals and anti-social elements thrive also when the administration is inefficient or weak or corrupt. A foreign invasion is not necessary to explain that. These matters are no doubt unknown to the old legal system. But the reason is that the old law was concerned with affairs

6 *Age of the Nandas and the Mauryas*, pp. 185-187.
7 ABORI, XXVIII (1947), pp. 84-97.

between two parties, one of which had to take the matter to the court before the state could give redress. In the case of these crimes, on the other hand, the state was required to take action the moment there was a complaint made, without the need for filing a suit against anybody.

One cannot also suppose that regulations about the suppression of the above mentioned crimes became necessary to meet the needs of an increasingly complex social economy. The crimes seem to have always existed, whatever the form of social economy. And the need for their suppression must have arisen long before the days of Kauṭilya. Besides, a foreign model was hardly necessary for the purpose. And where in antiquity can one find models for the detailed regulations concerning the investigation of cases of house-breaking and murder, or rules about the rounding up of dacoit gangs, or about post-mortem examinations ?

Of the remaining chapters, the third deals with natural calamities and has little to do with any social conditions or a foreign invasion. Chapters 4.4 and 4.9 deal with fraud and corruption by various types of persons including state officers and lay down severe punishments for them. Far from strengthening the position of the bureaucracy, the rules are likely to make all officers, which include the judges and the police officers-cum-magistrates themselves, feel insecure about their position, as they would be aware that their acts are watched by secret agents and that agents provocateurs might be used to trap them. The king's position is no doubt intended to be strengthened but that is no new aim thought of in this section only, nor can it be said to be thought of by Kauṭilya for the first time. The entire text has this aim before it and that seems to be derived from the earlier teaching of the śāstra.

As for the remaining Chapters, 4.1 and 4.2, they are concerned with fraud by artisans and traders. It is perhaps possible to see here a growing complexity of the social economy. But the offences referred to here do not appear to be intended to be tried in any courts. Summary punishments seem to be thought of. In the case of the traders' offences, in fact, it is far from certain that the *pradeṣṭṛs*, the officers in charge of *kaṇṭakaśodhana*, have to deal with them, since the *saṁsthādhyakṣa* and the *paṇyādhyakṣa* are mentioned in that connection. So one cannot speak of *kaṇṭakaśodhana* courts being established for trying these offences.

Though imprisonment is not mentioned when punishments are prescribed, the text refers to prison-houses. A *dharmasthīya bandhanāgāra* appears to be distinguished from a *mahāmātrīya bandhanāgāra*, both in charge of the *saṁnidhātṛ* (2.5.5). The former appears to be known also as a *cāraka*, something like a lock-up where the defendant

may be kept till the case is decided. It may also have been intended as a place of confinement for those unable to pay the fine imposed on them by the *dharmasthas*. For, fines can be paid off by doing work for the state. Such persons are called *daṇḍapratikartṛ*, *daṇḍopakārin* etc. (2.24.2, 2.23.2).

The *mahāmātrīya bandhanāgāra* appears to be intended for criminals, who are unable to pay the fines imposed on them. The distinction between the two kinds of prisons appears to be slight. In the one, those convicted by the *dharmasthas* appear to be kept; in the other, those convicted by other officers, particularly the *pradeṣṭṛ*s. All imprisonment would appear to be meant for those unable to pay the fines. The period of imprisonment would be determined by the amount of fine to be paid off out of the wages earned for the work done for the state.

Rules about the construction of the prison-house show separate wards for males and females, with halls, sanitary arrangements, provision for protection against fire and even provision for worship (2.5.5-6). Punishments are laid down for prison officers exceeding their authority by harassing prisoners, preventing them from taking their meals or answering calls of nature and so on. More severe punishments are laid down for assaulting or maiming prisoners or criminally approaching a female prisoner (4.9.21-27). We find in these rules a consideration for prisoners that is quite remarkable. On certain occasions, such as the acquisition of new territory by the king, or the coronation of the crown prince, or the birth of a son to the king, there is to be a general jail delivery (2.36.47).

The internal security of a state and its stability may be disturbed by seditious elements. Sedition, though a serious crime, falls outside the jurisdiction of the *pradeṣṭṛ*. The king himself is to deal with cases of sedition, possibly with the help of the *samāhartṛ*. Seditious thoughts among the common people, if there are any, are to be found out by secret agents. If anyone from amongst the common people is found to entertain seditious thoughts, the secret agents themselves are to induce him to give them up (1.13.2-13).

If seditious thoughts are entertained by *pradhānas* among the subjects, particularly by high state dignitaries, who normally help in running and defending the state, the use of the four *upāyas*, *sāman*, *dāna*, *bheda* and *daṇḍa*, is recommended with the object of either winning them over or getting rid of them (1.13.15-21). Such of the chiefs, *mukhyas*, who are capable of endangering the king's rulership and may prove traitorous, are called *dūṣyas*. It is often not possible to punish them openly, because they have been the king's favourites or because they have joined together in a conspiracy. In their case, it is recommended that the king, though ordinarily given to piety

(*dharmarucih*), may make use of what is called silent or secret punishment (5.1.4).

A number of ways of secretly getting rid of a *dūṣya* chief or officer are described in the text. Secret agents are naturally to play an important role in these. For example, they are to create a strife between the *dūṣya* and some kinsman of his over bad treatment received at the hands of the *dūṣya* or over inheritance or over some woman. When the strife has created sufficient tension, the agents are to get one party killed by the other, the latter being then openly executed for the murder. Another way is to make a son of the *dūṣya* officer believe that he is really the king's son, who had been handed over to the *dūṣya* because the king was afraid of the latter. When the son comes to believe all this, he is to be induced to slay the *dūṣya*, after which the son is to be duly executed as a parricide. Even the wife of the *dūṣya* may be used for the purpose of getting rid of him. She may be made to give him poison in the belief that it is a love-winning potion. (5.1.5-19).

Other ways of getting rid of the *dūṣya* include sending him on a military expedition with weak troops, containing agents of the type of *tīkṣṇas* or bravoes, who are to seize the chance of slaying him in the course of the fight, or getting him implicated in an attempt to approach the king with men carrying concealed weapons, or fabricating proof for charging him with an attempt to seduce the queen herself or to poison the king himself. Advantage may be taken of his interest in magical rites to get rid of him while practising them. Or, if he happens to be ill, the physician's services may be used for the purpose, the illness being declared incurable by him. (5.1.21-36).

When there are more *dūṣyas* than one, things are to be so managed that they destroy one another. Advantage may be taken of a dispute that may already be there between them or a dispute may be engineered between them, and in the ensuing scuffle, the *tīkṣṇas* are to do their job. (5.1.38-55).

All these ways of getting rid of traitors are no doubt distasteful. It should not be forgotten, however, that such secret punishment is recommended only in the case of those who are suspected of high treason, secrecy in getting rid of them being necessary because of the high position they occupy and the great power they wield. In their case, an open accusation and trial might become a risky business. Such liquidation of highly placed persons when they are likely to turn against the ruler himself has not been quite so rare in history. Its condemnation on moral grounds has little relevance when it is a question of the ruler's survival. That the *Arthaśāstra* openly acknowledges the necessity of such liquidation shows more its thorough-going realism than downright unscrupulousness.

CHAPTER ELEVEN

DEFENCE AND EXTERNAL AFFAIRS

THE defence of the state is based on the fort (*durga*) and the army (*daṇḍa*). These two are among the seven *prakṛtis* or constituents of the state. Of these two, *durga* is more important and is placed earlier than *daṇḍa* in the list of *prakṛtis* (6.1.1) It represents the fortified capital of the state, where the king, if hard pressed by a strong enemy, can entrench himself and withstand a siege over a long period, during which diplomatic moves can be made to ease the enemy's pressure and avert a calamity. The army, it is true, can be used for offence as well as for defence ; but if it is defeated, the king becomes altogether helpless and is at the mercy of the enemy.

The text recommends a series of posts along the frontier, each in charge of an *antapāla*. In particular, there are to be four posts in the four principal directions which are to serve as gates of entry into the state (2.1.5). The frontier posts, it seems, are to be some kind of natural fastnesses, not regular forts built by man. Four types of fastnesses are mentioned, with protection secured by water, mountain, desert or forest (2.3.1-2). The border between two posts is to be guarded by Śabaras, Pulindas and others (2.1.6). The principal fort in the state is at the capital city and is a man-made structure (2.3.3).

Full details are given about the construction of this fort, not all of them clear. But there can be no doubt about there being three moats outside, and a rampart of earth with a parapet on top built either of bricks or stones. Wooden walls are particularly forbidden as being susceptible to catching fire (2.3.4-9). On the parapet are to be turrets at intervals and arrangements enabling archers to shoot without exposing themselves (2.3.10-12). The approaches to the fort are to be strewn with various kinds of traps intended for hindering the progress of enemy troops (2.3.15).

The fortified capital is to be garrisoned by the usual four types of troops—elephants, chariots, cavalry and infantry. It is said that they should be under more than one chief (*anekamukhya*). The reason given is that a garrison under more than one commandant is not likely to succumb to the instigations of an enemy to turn traitor, as the commandants would be afraid of one another (2.4.29-30). A unified command for the entire garrison might also appear to be unnecessary, since the king himself would be there to be in ultimate charge. He would

at the same time be able to hold in check any rivalries among the various commandants and ensure the loyalty of the entire garrison.

Since the fort is a place of shelter in which one may have to remain entrenched over a long period, it is stated as Kauṭilya's own opinion that the fort should have plenty of supplies stored in it and that there should also be secret means of escaping from it in case of need (7.15.11).

The army, it seems, could be recruited from all four *varṇas*. The earlier teachers, in fact, had held the view that an army recruited from men of a higher *varṇa* is better for purposes of fighting than one from those of a lower *varṇa*. Disagreeing with this view, Kauṭilya states that Brahmin troops might at the last moment be won over by the enemy prostrating himself before them, and that, therefore, well-trained Kṣatriya troops are best, or in the alternative, a strong army of Vaiśyas and Śūdras (9.2.21-24). It may be assumed that the core of the fighting forces would be formed by Kṣatriyas, and that the standing army would consist mainly of well-trained Kṣatriya units. At the same time, it is possible that the number of Kṣatriyas so trained and available in times of war may not have been quite adequate, so that in practice the lower *varṇas*, and in particular the Śūdras, may be supposed to have formed a very large part of the fighting forces.

Since fairly early times the army in India appears to have consisted of four types of fighting units—infantry, cavalry, chariot-divisions and elephant-divisions. Each of these units has its special functions in war (10.4.13-16) and its different modes of fighting (10.5.53-56). Each type of unit is the responsibility of a special *adhyakṣa*, who is concerned with the equipment and training of his unit, perhaps also for recruiting men to it. The text describes the duties of the *pattyadhyakṣa*, the *rathādhyakṣa*, the *aśvādhyakṣa* and the *hastyadhyakṣa* (Chapters 2.30-33). In particular, the sections on the last two *adhyakṣas* lay down detailed rules about the care and training of horses and elephants in their charge.

From another point of view the troops are said to be of six kinds : *maulabala*, *bhṛtabala*, *śreṇībala*, *mitrabala*, *amitrabala* and *aṭavībala* (9.2.1). The nature of these is assumed to be well-known, since no description is given. Of these, the *maulabala* appears to refer to the standing army of the state, recruited from families of hereditary soldiers, loyal to the ruling dynasty. It is referred to as inspired by the same feelings and interests as the king himself (*tadbhāvabhāvin*) and as one constantly honoured by him (9.2.14). The word *maula* is derived from *mūla*, which often refers to the native land, the base from which the *vijigīṣu* starts on an expedition of conquest. Primarily then the expression means a native force. However, the *bhṛtabala* is also recruit-

ed from the natives of the land. The difference appears to consist in this that they do not form a standing army, but are recruited for a particular occasion. They are said to be quickly raised (*kṣiprotthāyin*) and dependable (9.2.15). The *bhṛtabala* is naturally regarded as inferior to the *maulabala*.

As to *śreṇībala*, it would appear to consist of guilds, normally following some peaceful avocation, but taking to arms in times of war, like the *śreṇīs* referred to in 11.1.4. The *śreṇībala* is declared to be *jānapada*, that is native of the land, and having the same interests as the king (9.2.16). This type of *bala* appears to differ from the *bhṛtabala* in that it is organised in bands, each under its own *śreṇīmukhya*, whereas in the latter each soldier is recruited individually. It is possible to understand *śreṇībala* to be something like bands of professional soldiers, mercenary bands, who lend their services to whosoever is willing to pay them. But such bands would hardly be described as *jānapada*. It is also not very likely that *śreṇībala* refers to 'private armies maintained by merchant guilds for the protection of their caravans and trading posts, which might be loaned to the king', as Basham suggests.[1] Caravans appear to be given state protection in this text and charged *vartanī* road cess and *ātivāhika* convoy charges for the same; there is no reference to their own troops accompanying caravans.

The troops of an ally which come to join in an expedition or to help in defence are the *mitrabala*, while troops belonging to some enemy, either conquered, borrowed, hired or purchased from him, constitute the *amitrabala*. The latter must be used with caution and under proper supervision. Lastly, the *aṭavībala* refers to forest tribes such as Śabaras, Pulindas and others. These are under their own chiefs. It seems that the enemy and forest troops are not to be paid regular wages, for it is stated that they should be maintained with *kupya*, minor produce, or that, in the alternative, they should be allowed to keep what plunder they may get in the fighting. These two kinds of troops, in fact, look forward to plunder, and if there is no plunder to be had, it is said, they may prove dangerous (9.2.19-20).

The text frequently refers to fighters in water (*nimnayodhin*) as distinguished from fighters on dry land (2.33.8, 7.10 34-35, 10.4.2). But it does not refer to a fleet of armed vessels, nor does it describe the mode of fighting in water or naval warfare. The *nāvadhyakṣa* mentioned in the text is no admiral of the fleet with military duties. His principal duties are to control ferrying across rivers, regulate shipping at ports, collect ferry charges and port dues as well as hire for the use of state boats. It is true that he is required to destroy boats

1 *The Wonder that was India*, p. 128.

that cause damage or harm (*hiṁsrikāḥ*), those coming from an enemy's territory and those violating port regulations (2.28.12). But these are in the main police duties rather than military duties.[2] And the equipment of the boats in his charge, with their crew of a captain, a pilot, a manipulator of the cutter and ropes and a bailer of water (2.28.13) hardly suggests naval craft.

As for ranks in the army, it is stated that an officer in charge of ten units is *patika*, one over ten *patikas* is *senāpati*, and one over ten *senāpatis* is *nāyaka* (10.6.45). The position assigned to *senāpati* here is at variance with that referred to elsewhere. Generally, the *senāpati* in the text is one of the highest state dignitaries, equal in status to the *mantrin*, *purohita* and *yuvarāja*. He is required to be conversant with all military matters, training, tactics in fighting and so on (2.33.9-10). The *nāyaka* appears to be responsible for setting up the *skandhāvāra* or camp (10.1.1). The *nāyaka* is to march at the head of the army and the *senāpati* in the rear (10.2.4). This *senāpati* again seems to have a different status altogether. It may be that a difference in sources is responsible for this confusion in the position of the *senāpati*.

The importance of the training of the armed forces is naturally emphasised. There is to be practice of the fighting arts every day except holidays and the king is to carry out an inspection of the various units and their fighting qualities at frequent intervals (5.3.35-36).

The loyalty of the troops is of utmost importance and therefore it is recommended that they should be under the constant surveillance of spies, prostitutes, artisans, actors and singers in secret service, besides being under the watchful eye of senior army officers (5.3.47).

The armoury is to be in charge of a special *adhyakṣa*, who is obviously subordinate to the *saṁnidhātṛ*. He is responsible for getting weapons manufactured and for storing them in such a way that they do not deteriorate through heat, moisture or insects. He is to maintain a full record of the different types of weapons (2.18.1-4). He is responsible for any loss of weapons, being required to make good the loss twice over (5.3.39). Each weapon is to bear the king's emblem (5.3.37).

Weapons may be useful for fighting on the battlefield (*sāṁgrāmika*) or for defending a fort (*daurgakarmika*) or for battering down an enemy's fortifications (*parapurābhighātika*). And these implements of war are of four kinds—*yantra*, machines, *āyudha*, weapons proper, *āvaraṇa*, shields and *upakaraṇa*, other accoutrements of war (2.18.1). A large number of machines are described, the principal purpose of which appears to be to throw huge stones at enemy troops. The names of

2 Cf. O. Botto, 'Il *Nāvadhyakṣa* nel *Kauṭilīyārthaśāstra* e l'attività marinara nell'India antica', RSO, XXXVI (1961), pp. 123-124.

all these machines reveal an indigenous origin, as I. P. Baĭkov has shown.[3] Along with weapons and other fighting equipment, the section on the armoury also refers to *aindrajālika karma*, magical practices and *aupaniṣadika karma*, secret practices (2.18.19). These practices are described at length in the Fourteenth Book. That these practices are intended to be put to use in the course of hostilities with enemy states is quite clear.

The problem of the defence of a state is intimately bound up with the question of its foreign relations. It is from hostile states that the state needs to be defended. Foreign relations in this text are mainly discussed from the standpoint of the *vijigīṣu*. In other words, it seeks to show how a state, desirous of extending its influence and expanding its territory, should conduct its relations with foreign states.

Foreign policy is summed up in the formula of *ṣāḍguṇya* or the six measures. The formula is associated with, though it does not necessarily presuppose, the theory of *rājamaṇḍala* or circle of kings. This *maṇḍala* is said to consist of twelve kings or states. Two slightly varying views about the members of the circle are found in the text. According to one view, the twelve kings are : (1) *vijigīṣu*, the would-be conqueror, (2) *ari*, the enemy, whose territory is contiguous to that of the *vijigīṣu*, (3) *mitra*, the *vijigīṣu*'s ally, with territory immediately beyond that of the *ari*, (4) *arimitra*, the enemy's ally, with territory beyond that of the *mitra*, (5) *mitramitra*, the ally of the *vijigīṣu*'s ally, with territory beyond that of the *arimitra*, (6) *arimitramitra*, the ally of the enemy's ally, beyond the *mitramitra*, (7) *pārṣṇigrāha*, the enemy in the rear of the *vijigīṣu*, (8) *ākranda*, the *vijigīṣu*'s ally in the rear, with territory behind that of the *pārṣṇigrāha*, (9) *pārṣṇigrāhāsāra*, the ally of the *pārṣṇigrāha*, behind the *ākranda*, (10) *ākrandāsāra*, the ally of the *ākranda*, behind the *pārṣṇigrāhāsāra*, (11) *madhyama*, the middle king with territory adjoining those of the *vijigīṣu* and the *ari* and stronger than either of these, and (12) *udāsīna*, the king ' lying oustside ' or the indifferent or neutral king, more powerful than the *vijigīṣu*, the *ari* and the *madhyama*. (6.2.13-22).

According to the other view there are four principal states, those of the *vijigīṣu*, the *ari*, the *madhyama* and the *udāsīna*. Each of these has a *mitra*, ally and a *mitramitra*, ally's ally, thus making a total of twelve kings. In this view, each of the four kings with his two allies constitutes a subsidiary *maṇḍala* or circle, of which there are four in all (6.2.24-27). W. Ruben thinks that the passage implies the existence of forty-eight

3 'Arthashastra—pamyatnik bolshoĭ istoricheskoĭ tsennosti' appended to the Russian translation of the *Arthaśāstra*, pp. 551-552.

states, twelve to each of the four, *vijigīṣu, ari, madhyama and udāsīna*.[4] This view is obviously due to a misunderstanding of the text.

Of the two, the former scheme appears to be generally implied in the discussions in this text. The *pārṣṇigrāha* and *ākranda*, who do not figure in the other scheme are frequently referred to. The former scheme is based on the assumption, well-supported by experience everywhere, that two neighbouring states tend to be hostile to each other and that states with a common enemy tend to be allies. The *vijigīṣu*, who is contemplating the expansion of his dominion, is regarded as the centre of a number of states which he has to overcome in his quest for suzerainty. But though *maṇḍala* suggests the idea of states concentrically situated round the *vijigīṣu*'s state, the actual idea is that of states in a straight line lying one beyond the other. Neither idea in its entirety might conform with the actual state of things prevailing at any time anywhere.

The *pārṣṇigrāha* and the *ākranda* are only the *ari* and the *mitra* respectively, so called in a specific situation. When the *vijigīṣu* is planning to march in a particular direction, the enemy in the rear becomes *pārṣṇigrāha* ' heel-catcher ' and the ally in the rear *ākranda* who ' cries out ' when going to help. Similarly, the two *āsāra*s are only the *arimitra* and the *mitramitra* in the rear respectively. All these are elastic terms. The same king may become a *pārṣṇigrāha* or an *ari* or a *mitra* or even a *vijigīṣu* in changed circumstances.

It appears to be assumed that all these kings, with the exception of the *madhyama* and the *udāsīna*, are more or less equal in power in normal circumstances. The *rājamaṇḍala* is thus a conglomeration of states loosely divided into two more or less hostile camps, with the leader of one group trying to establish his hegemony over the entire conglomeration. The number twelve does not imply that so many states are absolutely necessary for a *maṇḍala*; it refers rather to the number of possible relationships that may arise when a state tries to establish its supremacy over a number of neighbouring states. In practice, the number of states involved may be smaller or larger according to the situation prevailing at the time. It is quite possible that the scheme in its origin had in view states of a comparatively small size. But it can well be understood as equally applicable to a group of large-sized states. There is nothing in the discussion on the *maṇḍala* or the *ṣāḍguṇya* to show that the idea of a large state is inconceivable to the author. The very conception of the *vijigīṣu* presupposes the ideal of a large state.

4 ' Inter-state Relations in Ancient India and Kautalya's *Arthaśāstra* ' in Indian Year-Book of International Affairs, Vol. IV (Madras, 1955), p. 139.

Each of the twelve states has, beside the ruler, the other five *prakṛtis*, *amātya*, *janapada*, *durga*, *kośa* and *daṇḍa*, which are called *dravyaprakṛtis*. The *rājamaṇḍala* thus has twelve kings, *rājaprakṛtis*, and sixty *dravyaprakṛtis*, that is, seventy-two *prakṛtis* in all (6.2.28). Such is the theory.

W. Ruben thinks that the doctrine of the *maṇḍala* was, in its origin, related to the growth of the power of Magadha. He says, "Especially during the period of the Nandas, when they defeated one after the other kings of the Ganges valley, the policy of the circle must have gained in importance."[5] He adds that policy and doctrine may have grown simultaneously. It is not possible to say if the policy of the Nandas was influenced by any theory of *maṇḍala* they might have known. Much less is it possible to say how far, if at all, the policy of the Nandas affected the development of the theory. The theory of the *maṇḍala* appears to be unnecessary to explain the Nanda conquests. On the other hand, the theory may well have been in existence at the time without the Nandas consciously following its precepts in their programme of conquest. After all, the theory is, in the last analysis, based on the basic realities of inter-state relations.

The neighbouring princes, *sāmantas*, may normally be supposed to be hostile. But it is possible that some may have a friendly feeling towards the *vijigīṣu*, while others may even be subservient to him. Neighbouring states thus fall in three categories, *aribhāvin*, *mitrabhāvin* and *bhṛtyabhāvin* (7.18.29). The last are, of course, the vassals of the *vijigīṣu*.

Relations with foreign states are to be established and negotiations carried on with them through the *dūta*, ambassador or envoy, of whom there are three types, *nisṛṣṭārtha*, the plenipotentiary, *parimitārtha*, with limited powers of negotiating and *śāsanahara*, who is little more than a message-bearer. It is, no doubt, stated that *dūtas* should be stationed in the entire *rājamaṇḍala* (7.13.43), implying the posting of permanent ambassadors at foreign courts. But it seems that an envoy is rather intended to be sent to a foreign court only when an occasion arises for doing so. That is the impression created by Chapter 1.16, which deals with the appointment of a *dūta*. His stay at the foreign court may be prolonged, because the enemy king detains him (1.16.29). By common convention, the person of the envoy is regarded as inviolable (1.16.15).

The duties of the envoy are said to include the following : sending out information to his own king, securing the observance of the terms of a treaty, consolidating an alliance, creating dissensions among states

5 *Loc. cit.*, p. 159.

hostile to his own, smuggling troops secretly into the foreign state, kidnapping kinsmen of the foreign prince, getting the treasury of the foreign prince robbed, helping a hostage kept by his king with the foreign prince to escape, showing valour if need be, trying to seduce enemy officers from their loyalty and win them over to his king's side, and so on (1.16.33-34). It is clear that he is frequently expected to play the role of a dignified spy and secret agent.

The instigation of enemy officers to desert their master and come over to one's side (*upajāpa*) is an important activity in this connection. Those who can thus be seduced from their loyalty are called *kṛtyas* 'who can be worked upon'. Wrath, greed, fear and pride are the feelings that make one dissatisfied with one's lot and want to change it. How advantage should be taken of such feelings among officers of the enemy to instigate them to leave their master and come over to the *vijigīṣu*'s side is described at length (1.14.1-10). It is, of course, added that after they have been taken in one's service, a close watch should be kept over them lest they change their minds and do harm to the new master (1.14.11).

The formula of *ṣāḍguṇya* which sums up foreign policy consists of six *guṇas* or policies : *saṁdhi*, making a treaty containing conditions or terms, that is, the policy of peace; *vigraha*, the policy of hostility; *āsana*, the policy of remaining quiet (and not planning to march on an expedition); *yāna*, marching on an expedition ; *saṁśraya*, seeking shelter with another king or in a fort ; and *dvaidhībhāva*, the double policy of *saṁdhi* with one king and *vigraha* with another at the same time (7.1.6-12). One of the earlier teachers, Vātavyādhi, had expressed the view that there are only two policies, peace and war, and that the other policies are only aspects of these two. Kauṭilya himself, however, favours the six-fold classification, as there are different situations which call for the different policies (7.1.3-5).

The general rule is that when one is weaker than the enemy, *saṁdhi* is the policy to be followed, if stronger than him, then *vigraha*. If both are equal in power, *āsana* is the right policy, but if one is very strong, *yāna* should be resorted to. When one is very weak *saṁśraya* is necessary, while *dvaidhībhāva* is the policy recommended when with help from another source one can fight one's enemy (7.1.13-18). But the general rule may be set aside if various considerations make it advisable to follow a different course. The purpose of all policies is to grow stronger in the long run than the enemy, though sometimes one may have to tolerate temporarily the greater strength of the enemy (7.1.20ff.).

Normally the policy of *saṁdhi* is forced on one because of one's comparative weakness. When making a treaty one may be required

to surrender troops or treasury or territory. Such treaties are called *daṇḍopanata-saṁdhi*, *kośopanata-saṁdhi* and *deśopanata-saṁdhi* respectively. If forced to enter into any of these treaties, the king is advised to thwart or outwit the strong enemy when fulfilling the terms of the treaty, and, after biding his time till he gets strong, to overthrow the strong enemy (7.3.22-35).

If when making a treaty the enemy insists on a hostage (*samādhi*), the king is advised to offer the least serviceable person as a hostage. The long discussion on the type of son, who should preferably be handed over if there is a choice, ends with the assertion that the king should rather hand himself over as a hostage than an only son (7.17.15-31). And it is also recommended that efforts should be made to get the hostage freed by helping him to escape secretly. Many ways of escaping from the enemy king's capital are described (7.17.32-60).

Every *saṁdhi* is thus a temporary measure to be abrogated when one has grown in strength. The question is raised, what is then the guarantee that the terms of a treaty would be observed? The earlier teachers thought that a surety or a hostage is the only guarantee, *satya* 'plighted word' or *śapatha* 'oath' being unreliable. Kauṭilya, however, differs from them and asserts that *satya* and *śapatha* ensure stability in this world and in the next, while a surety or hostage gives security only in this world, being dependent on the relative strength of the two parties (7.17.3-5). What seems to be meant is that a king giving a hostage may have no scruples in securing his escape by some ruse when he gets stronger and thus violating the terms of the treaty, whereas if he had given his plighted word or taken an oath, his conscience may prick him if he were to think of breaking them. In expressing this opinion Kauṭilya is only recording a well-observed fact that many persons do care for the consequences of breaking their word or oath, consequences that would follow not only in this world, but also in the next. Fear of these consequences is more likely to make them keep their promise. It is not possible to suppose that Kauṭilya's own sincerity or piety is in question here as W. Ruben does when he remarks that these words, *satyaṁ śapatho vā* etc. are not to be taken seriously since there is very little of inner piety in him.[6]

A peculiar feature of the teaching of the *śāstra* is the way in which hypothetical pacts are contemplated between the *vijigīṣu* and his rival, the *ari*. Some of these, like the treaty with stipulations (*paripaṇita-saṁdhi*) or one without stipulations (*aparipaṇita-saṁdhi*) have for their purpose the cheating or outwitting of the rival, so that the *vijigīṣu* may grow more powerful at his cost (7.6.1-13). Other pacts are still

6 'Materialismus im Leben des alten Indien' in Acta Orientalia, Vol. XIII (Leiden 1935), pp. 179-180.

more hypothetical. They are apparently made because the two have a common objective, but the real aim is to score over the rival. Such are pacts like *mitra-saṁdhi*, *bhūmi-saṁdhi*, *karma-saṁdhi* and *hiraṇya-saṁdhi* (Chapters 7.9-12). Such pacts are in reality not intended to be actually made. The purpose of the discussion is merely to show what kind of ally or land or undertaking one should prefer when there is a choice available. In the long discussion on these points, Kauṭilya often expresses his disagreement with the earlier teachers, his own views being generally more reasonable.

The policy of *vigraha* means a state of hostility. It has an offensive as well as a defensive purpose. For example, when one feels that any attack by the enemy can be successfully repelled, one should resort to the policy of *vigraha*, not to that of *saṁdhi*. Similarly, when one feels that from a secure position one can ruin the enemy's undertakings or that one can seize the enemy's territory because he is enagaged in a war on another front, *vigraha* is the policy indicated (7.1.35). If both *saṁdhi* and *vigraha* are expected to lead to the same result, namely, one's own advancement in power, the policy of *saṁdhi* should be preferred, for in *vigraha* there are losses, expenses and other troubles (7.2.1-2).

As to *āsana*, it is the policy of waiting in the expectation that the enemy would grow weak or find himself in difficulties or get involved in some war. It also includes waiting in the hope that in the meanwhile one would oneself become more powerful than the enemy (7.1.34). Naturally, this policy is often a concomitant of the policy of *saṁdhi* (*saṁdhāya āsana*, 7.4.13). But it can be combined even with *vigraha* (*vigṛhya āsana*), as, for example, when one feels that one can seduce the enemy's subjects from their loyalty to him or when one expects to derive some benefit at the enemy's cost in the near future or when one feels that the enemy may weaken himself in the meanwhile by engaging in some adventure (7.4.5-12).

The policy of *yāna*, marching against the enemy, is to be pursued when one is definitely stronger. Normally *vigraha* and *yāna* go together (*vigṛhya yāna*, 7.4.14-17). However, even *saṁdhāya yāna* is recommended (7.4.18). This, it is obvious, involves a downright breach of faith with one with whom one is at peace, having entered into a treaty with him.

Getting other kings to march with oneself is *saṁbhūya yāna* 'marching together'. This is a confederacy formed against the *vijigīṣu*'s enemy. In return for the help received, he may promise a share out of the gains of the joint expedition, either as fixed beforehand or in conformity with each one's contribution or effort in the joint venture (7.4.19-22). Advice is given on the kind of kings whose help

may be sought for the joint expedition, as well as on how one should conduct oneself as head of the confederacy (7.5.38-44,49). The possibility that the *vijigīṣu*, after success of the expedition, might cheat the confederates of their due share is also visualised and suitable advice given on what they should do in such an eventuality (7.5.45-48).

The policy of *saṁśraya* is for the weak king, who is attacked or threatened with attack by a powerful enemy. The text considers the question of the type of kings with whom shelter should be sought 7.2.6-25 ; also 7.15.1-8). It appears that *saṁśraya* confers the status of a protégé. One's safety is assured thereby. It is, of course, intended that the king would be making efforts to recoup his strength and regain his independent status.

Shelter may also be found in one's own fort where one can remain entrenched (7.15.9-12). If neither kind of *saṁśraya* can ensure safety, the weak king is advised, as a last resort, to surrender himself to the powerful enemy. This is vassalage ; the king who submits is called *daṇḍopanata*, which means ' who has submitted with troops ' as well as ' subdued by force ' (7.2.9, 7.15.30). In one place the text recommends that the king who has thus submitted to the powerful enemy must ever remain watchful for an opportunity to strike back and obtain his independence (7.2.10-12). In another place, however, it recommends that such a king should strictly observe the rules of behaviour proper for a vassal towards his suzerain, and do everything that would be to the latter's interest (7.15.21-30). The difference is perhaps due to a difference in sources. It is not clear which policy the author himself prefers, though he is definitely in favour of accepting the position of a vassal and rejects the view of the earlier teachers that the weak king, at the end of his resources, should throw himself in a last desperate battle with the powerful enemy like a moth entering fire (7.15.13-20).

The last policy, *dvaidhībhāva*, is no new policy. It is *saṁdhi* with one king and at the same time *vigraha* with another. The purpose of making the *saṁdhi* is to get the help of troops or money from him for the hostilities with the other king. This policy is to be preferred to that of *saṁśraya*, since in the latter one confers benefits on others, while in the former one looks to one's own interests only (7.2.4-5). This text does not support the view that *dvaidhībhāva* is duplicity, making peace for the time being with a view to prepare for war against the same king.

The purpose of all policy is to secure an increase in one's power, principally at the cost of one's natural enemy. This increase in power is intended as a preliminary to the realisation of the ambition to conquer the world. The adoption of one or the other of the six policies is to be solely guided by this consideration. The interest of one's own state is

to be the supreme criterion, and expediency is to decide which policy would be most advantageous under the circumstances. The appropriate use of the six measures, it is stated, enables the *vijigiṣu* to play with the other kings just as he pleases ; they become, as it were, tied to him by the chains of his intellectual powers (7.18.44).

Alongside the six policies, there is mention of the four *upāyas* — *sāman*, *dāna*, *bheda* and *daṇḍa*. These four are means of overcoming opposition. It is said that the first two should be used to subjugate weak kings, the last two for overcoming strong kings (7.16.3). The concept of the four *upāyas* appears to be quite ancient. They sum up the means that are helpful in securing the submission of others to one's own will. There is some over-lapping in the four *upāyas* and the six *guṇas*. There is something in common between *sāman* and *saṁdhi* and between *daṇḍa* and *vigraha* combined with *yāna*. The two concepts appear to have arisen independently. While the *guṇas* are concerned with foreign policy only, the *upāyas* have a wider application, being useful in securing the submission of anyone, be he a recalcitrant son, brother or other kinsman, or a rebellious subject or chief, or a neighbouring prince or foreign chieftain (9.7.68). It is possible that the introduction of the *upāyas* in political theory, particularly in matters of foreign policy, is secondary.

The use of an earlier *upāya* is generally to be preferred to that of a later one. However, it is recognised that a particular *upāya* alone may be most appropriate in a given situation. *sāman* would be best in the case of officers of the enemy whom the latter suspects of treason; *dāna* would be most useful in winning over seditious men from the enemy ; *bheda* would break up confederacies most effectively, while the use of *daṇḍa* would be most effective in the case of a strong enemy (9.7.72). How the policy of *bheda* can be successfully pursued for overcoming the hostility of *saṁghas* is shown in Book Eleven at length. Similarly, the use of *bheda* for breaking up confederacies is illustrated in 7.14.1-11.

The goal set before the ruler in foreign policy is that of expansion. The ruler should be *vijigīṣu* 'desirous of conquering' other territories. Three types of conquerors are distinguished : *dharmavijayin*, who makes conquests for the sake of glory and who is satisfied with mere submission by other kings ; *lobhavijayin*, who makes conquests out of greed and is out to obtain land or money or both ; *asuravijayin*, who makes conquests like a demon and seizes land, money, sons and wives of the conquered king and takes his life (12.1.10-16).

When the *vijigīṣu* has secured the submission of a king, he is required to treat him with honour, unless he continues to harbour hostile intentions. If he were to treat the vassal harshly or unjustly, he would not

only have to face the prospect of retaliation, but also incur the wrath of the *maṇḍala* (7.16.17-33). Regard for the feelings of the other kings in the *maṇḍala* is a practical necessity; else they might join together and frustrate his dream of world-conquest.

The *vijigīṣu* is to plan his conquests in different ways according to the circumstances prevailing at the time. (1) When there is the regular *maṇḍala*, he should first conquer the *ari*; with his strength augmented thereby, he should overcome the *madhyama*; when he succeeds in doing that, he should subdue the *udāsīna*. Thus his suzerainty would be established over the whole *maṇḍala*. (2) When there is neither a *madhyama* nor an *udāsīna*, but only enemies and allies, he should first try to subdue the enemies and then secure the allegiance of his allies. (3) When there are only two other states, one hostile and the other friendly to him, he should try to squeeze and crush one of them between himself and the other, it being immaterial which state is crushed in the process; when that state is crushed, the other state should be tackled. (4) When there are a number of neighbouring kings, all presumably hostile, he should tackle them one after the other, growing in strength as he proceeds with his conquests (13.4.54-61). It is interesting to note that it is only in the first scheme that the existence of a *maṇḍala* and that too of the second type is visualised. In the third case, the whole of the field open for conquest is supposed to contain only three states. These must be assumed to be very big indeed. For, the field of conquest is the whole of India.

When planning an expedition of conquest a number of precautions must be taken. First and foremost it is necessary to see that none of the seven *prakṛtis* (which include the ally) suffers from a *vyasana* or a calamity. The *vyasana* of a constituent may render not only that constituent unserviceable but also hamper the efficiency of the other constituents as well. The whole of the Eighth Book is devoted to a discussion of the *vyasanas*, calamities or vices, by which the various constituents may be affected. That is done by considering the relative seriousness of the calamities of two *prakṛtis* at a time. In many of these cases, Kauṭilya expresses views that differ from all or some of the earlier teachers, his own views being generally characterised by reasonableness. It is naturally laid down that before starting on an expedition, the *vijigīṣu* must take steps to overcome a *vyasana* that may have affected any *prakṛti* and remove any cause that is likely to lead to a *vyasana* in the future (8.5.21).

Before starting on an expedition, the *vijigīṣu* must satisfy himself that he is superior in all essential respects to the enemy against whom he proposes to march. These include the three *śaktis*, *utsāha*, the energy, bravery and personal drive of the king himself, *prabhāva*,

material resources consisting of the treasury and army, and *mantra*, good counsel and diplomacy. Disagreeing with the earlier teachers, Kauṭilya regards *mantraśakti* as the most important (9.1.2-16). The *vijigīṣu* must also take into consideration the *deśa* or the terrain in which the fight is likely to take place and *kāla*, the season when fighting may be expected. Kauṭilya's own opinion is that *śakti*, *deśa* and *kāla* are mutually helpful and are therefore of equal importance (9.1.26-33).

A very important consideration is the possibility of an insurrection in the kingdom while the king is away on the expedition. It may be engineered by the *mantrin* or *purohita* or *senāpati* or *yuvarāja*, when it is called *abhyantarakopa*, or by a palace official, when it is called *antaramātyakopa*, or by an official in the outlying regions of the state, a *rāṣṭramukhya* or an *antapāla*, when it is called *bāhyakopa*. In general, when a latent insurrection is suspected, the *vijigīṣu* is advised to take the suspected party on the expedition with him if he belongs to the interior and take the wives and children of the suspected party with him if he belongs to the outlying regions (9.3.9-32). The *vijigīṣu* is also to be on his guard against the possibility of two officers, one from the capital and the other from the outlying regions, conspiring to rise in revolt during the king's absence. And as is characteristic of this text, it also gives advice to officers who may be thinking of rising in revolt, telling them with whom to conspire and when. We have a very detailed analysis of the ulterior motives that generally impel officers to seek support from other officers for an insurrection against the king (9.3.36-41).

A factor that must be weighed before starting is the gain expected from the expedition and the losses likely to be suffered. Normally the former must outweigh many times over the losses in men and animals and the expenses in cash and grains (9.4.1-3). Gains, principally those of land, are classified in various ways, such as *ādeya* 'easy to seize and keep', *pratyādeya* 'easy for the enemy to recover', *hrasvakāla* 'quickly attainable', *tanukṣaya* 'costing little', *kalya* 'safe', *dharmya* 'righteous' and so on (9.4.5-23).

When after a full consideration of these factors, the *vijigīṣu* decides to march, he must fix the date of the expedition and mobilise the required troops. Normally, three seasons are regarded as suitable for campaigning. Mārgaśirṣa is the month for starting on a campaign of long duration, Caitra for one of medium duration and Jyeṣṭha for a short campaign. The idea is to avoid the monsoon months and to get a chance of seizing the enemy's crops likely to be ready but unharvested at the time. However, the season selected must agree with the terrain where the fighting is expected. Even a campaign in the rainy season may be undertaken if the terrain suits the *vijigīṣu*, but not the enemy (9.1.34-52). The type of troops to be mobilised is to depend

on the season and the terrain, as well as on the type of troops the enemy is likely to employ in the fight. Troops to be mobilised must be such as would easily overcome the enemy's resistance.

Before leaving, a *śūnyapāla*, that is a regent, should be appointed in charge of the kingdom during the king's absence on the expedition. The text does not say who should be so appointed; some member of the royal family or a trusted minister may be thought of as likely. It is stated that normally one-third or at least one-fourth of the mobilised troops should be kept behind for the protection of the kingdom as well as for guarding the rear, the borders and the forest regions (9.1.34). The troops are to consist of different units, under different commanders, so that no single powerful commander proves intractable to the regent (9.3.10).

The text describes at length the setting up of the camp after the troops are mobilised (Chapter 10.1) and the march of the army on the expedition (Chapter 10.2). The taking of measures for the safety of the troops whether in the camp or on the march is naturally emphasised.

Fighting, *yuddha*, is said to be of three kinds—*prakāśa-yuddha* 'open fight' in the place and at the time indicated, *kūṭa-yuddha* 'concealed fighting', involving the use of tactics on the battlefield, and *tūṣṇīṁ-yuddha* 'silent fight', implying the use of secret agents for enticing enemy officers or killing them (7.6.40-41). It is stated that when the *vijigīṣu* is superior in strength and the season and terrain are favourable to him, he should resort to open warfare (10.3.1). In fact, a fight, about the place and time of which notice has been given, is considered righteous, *dharmiṣṭha* (10.3.26).

If the *vijigīṣu* is not superior to the enemy and the terrain and season are unfavourable to him, he may resort to *kūṭa-yuddha*. Among the various forms of *kūṭa-yuddha* described, the following may be noted: attacking enemy troops when they are in a vulnerable position or on unfavourable terrain; feigning a retreat and thus drawing the enemy troops away to an unfavourable terrain and then turning round and attacking them there; using elephants to break the closed ranks of the enemy troops; feigning a rout and managing to get the enemy ranks divided when they are in pursuit of his own troops and then turning round to attack the divided ranks; attacking on one flank first and when the enemy troops are pressed back, attacking them on the other flank; using inferior troops first to tire out the enemy troops and then attacking with superior troops; enticing enemy warriors for a hunt or a cattle-raid and killing them in an ambush; keeping enemy troops awake by an attack at night and then attacking them the next day when they are sleepy or fatigued; making a sudden attack at night with elephants while the enemy troops are asleep; attacking

the enemy troops when the sun and wind are directly in their face, and so on (10.3.3-23). It is clear that *kūṭa-yuddha* refers to the commonly recognised tactics that are used on the battlefield, and contains nothing to which objection can be taken from the military point of view.

Troops are to be arranged for fighting in *vyūhas* or battle-arrays, which have a centre, two flanks and two wings. It seems that each of the five sections are to contain an equal number of units, from nine to twenty-one. It appears that a unit for this purpose is based either on a chariot or an elephant. To each unit is attached, beside a chariot or an elephant, five horsemen and fifteen infantrymen in front and fifteen behind. Thus in the nine-unit array, there would be forty-five chariots or elephants, two hundred and twenty-five horsemen and six hundred and seventy-five infantrymen in front and an equal number behind (10.5.9-13). The text describes a large number of battle-arrays, of which there are four basic types, *daṇḍa-vyūha* 'staff-array', *bhoga-vyūha* 'serpent-array', *maṇḍala-vyūha* 'circular array' and *asaṁhata-vyūha* 'loose array'. The choice of an array is to depend on the terrain as well as the disposition of the enemy troops (10.6.3-43).

It is insisted that a fight must never be begun unless reserves are stationed behind the array at a distance of two hundred *dhanuses* (about five hundred yards); the king himself is apparently to station himself there (10.5.58). It is also stated that a site for a battle should be so chosen that there is a mountain or a forest fort in the rear as a place of retreat and for holding reserves for the fighting forces (10.2.20).

Finally, it is added that behind the army arranged for a fight, physicians and surgeons should be stationed with medicines, instruments and bandages for treating wounded soldiers. By their side should be women in charge of food and drink for the soldiers. The women are also to encourage the soldiers to fight (10.3.47). These are not quite nurses in the modern sense of the term.

When a battle is imminent, the *vijigīṣu* is advised to get his troops together and exhort them. He should point out how he himself is only a servant like them (10.3.27). At the same time, the *senāpati* should announce rewards for outstanding acts of bravery during the fight: 100,000 *paṇas* for killing the enemy king, 50,000 for killing the *senāpati* or a prince and so on down to 20 *paṇas* for killing an ordinary soldier. He should also declare that everyone would be allowed to keep what he is able to seize during the fight and would be given double the wages as gratuity at the end. Officers are to make a note of the exploits of the soldiers under them (10.3.45-46).

It is laid down that when attacking the enemy in the open battle-field or when storming a fort, care should be taken to see that the follow-

ing categories of persons are not attacked by his troops : (1) *patita*, those who have fallen down, (2) *parāṅmukha*, those who have turned their back on the fight, (3) *abhipanna*, those who surrender, (4) *muktakeśa*, those whose hair are loose (as a mark of submission), (5) *muktaśastra*, those who have abandoned their weapons, (6) *bhayavirūpa*, those whose appearance is changed through fear, and (7) *ayudhyamāna*, those who are taking no part in the fight (13.4.52). In view of this, it is not quite correct to say that the *Arthaśāstra* knows 'nothing about fair play in battle', as Basham says.[7] This text too knows a *dharmiṣṭha yuddha* (10.3.26), but it recognises that on the battlefield tactics are essential, particularly when one is at a disadvantage.. That is what its *kūṭayuddha* means.[8]

When the fight ends in victory, the subsequent conduct of the *vijigīṣu* is to be determined by the relative strength of the defeated enemy. If he has defeated a king more powerful than himself, he may offer terms of peace and win him over to his side. If the defeated king was his equal, he may accept the terms of peace offered by him, as implying a friendly alliance, if not submission. But no peace should be made with a weaker king, who is defeated ; he may be completely destroyed, unless he becomes desperate and fights for his life, when peace may be made with him (10.3.54-57).

If the enemy, instead of giving an open fight, takes refuge in a fort, siege should be laid to it by the *vijigīṣu* after satisfying himself that his own troops are well-equipped and properly supplied and conditions are favourable to him. A suitable occasion for a siege would be when the enemy is in difficulties on account of the depletion of his stores and defences through famine, diseases etc. (13.4.8). On the way to the fort, the *vijigīṣu* should grant safety to the people. Those who have to be removed from the place where fighting may take place should be settled elsewhere and helped in every way. Destruction of the people is a ruinous policy. For, says Kauṭilya in his own words, a country without people makes no sense, and there can be no kingdom without a country (13.4.2-5).

All sorts of tricks are described for the capture of a fort without a serious fight. Attempts should be made to seduce the principal officers of the enemy from their loyalty to him, so that they may desert him (13.1.11-21). Or, advantage should be taken of the credulity or superstitious nature of the enemy king to induce him to come out

7 *The Wonder that was India*, p. 125.

8 I. P. Baikov has made a detailed analysis of the teaching of the *Arthaśāstra* on the organisation of the army, its equipment, on fighting arrangements, on flexible tactics, on battle-arrays and so on. He concludes that all this shows a high level of knowledge of military science and reveals great military talent. (*Op. cit.*, pp. 550-560).

of his entrenched position in the fort, when he can be done away with (Chapter 13.2). Other tricks include the smuggling of one's troops into the fort in some disguise or inducing a part of the garrison to come out for putting down dacoities or enticing the troops in the fort to come out to help an 'ally' supposed to be attacking the besieging *vijigīṣu*, and so on (Chapter 13.3).

If these tactics fail, the *vijigīṣu* may proceed to reduce the fort. All supplies must be prevented from going into the fort; crops and sowings may be destroyed. Moats should be emptied of water; an underground tunnel leading into the fort may be made, or a breach in the wall may be attempted (13.4.6-12). It should be remembered that these ways are recommended in the *Manusmṛti* too (7.195-196). The text describes various ways of setting fire to objects or places inside the fort from the outside and also mentions some incendiary preparations (13.4.14-21). The final attempt to storm the fort (*avamarda*) should be made when there is a suitable opportunity, such as a fire raging in the fort or a festival being celebrated or some show proving a great attraction, or rain pouring down and so on (13.4.26).

Conquest of a territory may mean its annexation. By successive conquests an empire may be built up in which the *vijigīṣu* would be the sole ruler. In case of annexation of territory, the *vijigīṣu* is advised to win over the people in that territory, and not to terrorize or exploit them for self-aggrandizement. This policy is called *labdhapraśamana* 'pacification of what is conquered'. The conqueror is to do what is beneficial and agreeable to his new subjects, showing favour, granting exemptions, showering honours and so on. He is to adopt the dress, the language, the customs etc. of the new subjects and show reverence for the deities and enthusiasm for the festivals and fairs in the land. The new territory is thus not to be treated as a colony to be ruled and exploited from a distance. At the same time, efforts must be made to consolidate his rule in the new territory by proving his bona fides and eliminating mischievous and harmful elements (Chapters 13.5).

However, instead of annexation of the conquered territory, the *vijigīṣu* may be satisfied with only receiving the submission of the conquered king. In this case, the relationship that is established between the two is that of a suzerain and a feudatory or vassal. The empire built in this way differs from the one where territories are annexed. The text describes how the vassal king should conduct himself in his relations with the suzerain (7.15.21-30). It also refers to the principles that should guide the suzerain in his dealings with the feudatories so that they may remain completely loyal to him and his successors over the generations (7.16.17-33).

In the latter kind of empire we may understand the creation of some sort of feudal relationship. But this feudalism is not of the same type as the feudalism that prevailed in Medieval Europe.[9] The surrender of troops by the conquered king is contemplated; but the vassal king does not hold the territory in fief with the obligation of going to the suzerain's help with troops when he goes to war. His territory is not granted to him by his over-lord as a gift to a comrade-in-arms. It is his own legitimate kingdom, the independence of which is for the time being extinguished by the conquest. If circumstances change, the vassalage may be shaken off. In fact, it is possible to conceive a situation in which the tables are turned, the former vassal establishing his suzerainty over the former suzerain.

The ideal of conquest of the world—restricted, of course, to the Indian world—may perhaps be found fault with on the ground that it destroys the right of small or weak states to lead an independent life of their own. But the idea of conquest and empire-building has always exercised a fascination for rulers. What the text does is to take notice of such desires and proceed to analyse the ways of three types of conquerors. It is not quite correct to say, as does Basham, that the *Arthaśāstra* 'evidently looks on conquest of the demoniac variety as the most profitable and advisable'.[10] The section on *daṇḍopanāyivṛttam* (Chapter 7.16) requires that the conqueror should treat with due consideration the king subjugated by him. It calls an open fight *dharmiṣṭha*; and its *kūṭa-yuddha* consists mostly of unexceptionable military tactics (10.3.1-26). And the *asuravijaya* of this text consists in this that the land and money are seized, the wives and children of the conquered king taken possession of and the enemy king himself killed. Moreover, the *asuravijayin* can be appeased by the surrender of the land and money (12.1.15-16). This is comparatively an innocuous affair when one thinks of the numerous conquests in antiquity, including those of Alexander, when whole cities were razed to the ground, the male population put to the sword and women and children sold into slavery.[11] It is interesting to note in this connection the opinion of Breloer, who says that when the *Arthaśāstra* teaches the laying waste of land (at the time of the siege), the teaching may have been derived from foreign sources; he refers to Alexander who had carried out such complete devastation in the course of his expedition.[12]

9 Cf. L. Renou, *La Civilisation de l'Inde ancienne* (Paris, 1950), p. 133.
10 *The Wonder that was India*, p. 125.
11 Cf. W. W. Tarn, *Hellenistic Civilization* (London, 1927), p. 71.
12 'Megasthenes über die indische Gesellshaft' in ZDMG, 88 (1934), p. 148, n. 7.

The text preaches the ideal of conquest. It may, therefore, be rightly regarded as 'a manual of imperial polity'.[13] But the *Arthaśāstra* is not merely that. It is also a guide to the withstanding of imperialism. Beside many sections in Book Seven, *yātavyavṛttiḥ* (Chapter 7.8), *saṁśrayavṛttiḥ* (Chapter 7.2) and others, the entire Twelfth Book is devoted to the problem of saving a weak king from the actual or impending attack by a strong king. It teaches how the latter's attempts to conquer should be frustrated and his imperialistic designs foiled. To start with, Kauṭilya rejects the advice of Bhāradvāja that the weak king must always submit to the strong king as well as the advice of Viśālākṣa that he should always fight whatever the consequences. His own advice is that the weak king should seek shelter, either with a more powerful king or in a fort (12.1.1-9). The text then goes on to describe how the various *upāyas* should be tried to get the attack averted. How troubles should be engineered in the enemy's kingdom so that he is forced to go back in order to save his own kingdom is described at great length. Again, the text shows how attempts should be made to get the chief army officers of the enemy to desert him or to get them killed (12.2 and 12.3). Attempts to get the enemy king himself trapped and killed are also described (12.5.1-8). If none of these efforts succeeds and the enemy keeps advancing, the weak king should entrench himself in the fort. He is then advised to burn down fuel and grass up to a distance of one *yojana* all round the fort, to spoil or drain away water and to put all possible obstructions in the path of the enemy's march. Something like a scorched earth policy is clearly recommended here (12.5.13-15). When a siege is laid by the strong king, various tactics should be tried to outwit him. For example, an underground tunnel may be built and officers of the enemy or the enemy himself may be kidnapped, or poisoned supplies may be allowed to 'fall in the hands' of the enemy, with disastrous results to his army, and so on (12.5.16ff). When all efforts to save the fort fail, the weak king is advised to surrender the fort and leave it secretly, taking care to see that he himself is not caught. He must keep himself free to strike back. That may be done by secretly re-entering, through passages known only to himself, the chamber where the enemy may be sleeping and killing him with a weapon or setting fire to the chamber and so on (12.5.43-48).

We have thus in this text as full an advice on how to foil an ambitious king's imperialistic designs as on how to conquer and build up an empire. While it sets forth the ideal of conquest, it takes into account all possible situations in which any state may find itself and offers advice on what courses are open to it and which course it would be

13 K. A. Nilakanta Sastri, *Age of the Nandas and the Mauryas*, p. 191.

preferable to follow in any given situation. Its teaching is intended for all kings, for the weak king being attacked, the *yātavya*, the *hīna*, the *abalīyas*, the *daṇḍopanata*, as much as for the strong, ambitious king, the *jyāyas*, the *balavat*, the *daṇḍopanāyin*. That is what makes it so comprehensive.

It is because of the author's endeavour to imagine and provide for all possible situations which a state may have to face in its relations with foreign states that we sometimes find details that might appear to be of little significance. To regard this as an indication of his pedantry is, however, to misunderstand the nature and scope of this work. It is not a treatise on general principles, but a work concerned with recommending practicable policies in any conceivable situation that may arise in actual political life. And its visualisation of such situations and the courses that are then open to a state is characterised by a realism that is altogether unique. And its teaching has not lost its relevance in these matters even to day. C. W. Gurner has shown how the 'fortress policy' recommended in Chapter 7.15 was actually pursued by Great Britain during the Second World War, when it turned itself into an island fortress and successfully withstood the onslaught of the then more powerful Germans, making efforts in the meanwhile to gain strength and obtain new allies. Referring to the surrender of one Continental power after another to the might of the German forces, he points out how this is what Kauṭilya recommends when a 'fortress policy' is not possible. He refers to the flash of insight and vivid compression in the expression 'entering the flame like a moth' descriptive of a useless attack, as exemplified in a premature second front. He speaks of the great depth and penetration of Kauṭilya's political teaching and shows that the principles he enumerates are as true to-day in their wider application as they were in his days.[14]

The means recommended in this text for averting danger to the state and for achieving success over hostile elements might often appear to be obnoxious from the moral point of view. It should not be forgotten, however, that the use of such means is intended against intractable enemies of the state. Its justification is that it is necessary in the interests of the state. One of the characteristic features of the realism of this text is that questions of morality are not allowed to intrude when policies are considered that are to be pursued towards enemies of the state, those who jeopardize its security and independence. This is a position that is tacitly recognised as necessary when it is a question of practical politics. Even when certain actions may be regarded as morally unjustifiable, they are in actual practice resorted to in

14 'The Fortress Policy in Kauṭilya's *Arthaśāstra*' in IC, VIII (1941-1942), pp. 251-252.

the supreme interests of the state. Objections that some political actions are unethical assume that politics are a function of ethics. But in practical politics such a proposition is never accepted. Every state regards what it considers its own interests as supreme and in their defence often resorts to actions that appear unethical. The dream that politics must be thoroughly ethical may perhaps be realised at some future date. It is, however, unfair in the meanwhile to condemn an author of over two thousand years ago—an author, moreover, frankly the most realistic and practical who ever wrote on this subject—for not recommending something that is found impracticable in politics even to-day.

CHAPTER TWELVE

CONCLUDING REMARKS

IT MAY be hoped that this survey of the teaching of the *Kauṭilīya Arthaśāstra* has sufficiently indicated the nature and scope of this work. It is essentially a treatise on the art of government. It assumes that monarchy is the normal form of government; hence it is primarily addressed to the king, advising him on how the administration of his kingdom should be carried on and how he should adjust his foreign policy to the best advantage of his state. In both respects—internal administration and foreign relations—the comprehensiveness of its treatment is almost unparalleled.

Some of the interest roused by the work may be said to be due to the antiquity to which it is ascribed. It was argued earlier in these pages that it may well be assigned to the epoch to which it belongs according to tradition.[1] However, it should be added that even if a somewhat later date be regarded as more probable for its composition, that will not detract from its essential worth. Even for the third century A.D., which seems to be the latest date to which it could be ascribed, it would still be a very remarkable achievement.

The circumstance that tradition ascribes the composition of this work to Kauṭilya, who had helped Candragupta Maurya to come to power in Magadha, has led some scholars to assume that it was written by him with the specific purpose of instructing Candragupta in the art of government. It is also often believed that the text gives us a description of the actual system of administration that was established in Chandragupta's Empire. Neither proposition, however, can be regarded as acceptable. The work is, no doubt, instructional in character. But there is nothing to show that its instructions are addressed to any particular king. It is a treatise that seeks to instruct all kings and is meant to be useful everywhere and at all times. It is also not possible to maintain that the administrative system it describes was in actual existence in any particular kingdom or empire at any particular time. It gives general instructions on these as on other matters, and it is intended that the instructions should be and could be followed by any state that cares for an efficient administration for ensuring its prosperity and the well-being of its subjects. It was argued in the preceding chapter that the text does not teach only the ways of

1 See Chapter 4, particularly pp. 98-105 above.

building up an empire, and that with equal solicitude it shows the weak state how to save itself from the designs of the empire-builder and preserve its independence.[2]

In fact, the teaching in this text cannot be said to be all a creation of Kauṭilya. There is no reason at all to doubt the statement found at the beginning that it is composed by bringing together the teachings of all earlier works on Arthaśāstra. It does not claim to be an entirely original work on the subject. As a matter of fact, there is little doubt that most of its teaching is derived from earlier authorities and is, therefore, older than Kauṭilya. K. A. Nilakanta Sastri has remarked that it is in the sphere of foreign policy that this work seems to conform more to the tradition of the predecessors.[3] That applies to Books Six to Thirteen. But it can hardly be seriously maintained that the remaining Books conform less to tradition. The topics in Book One (training of the prince), in Book Three (law and legal administration) and in Book Four (investigation of crime and punishment of criminals) had surely engaged the attention of Kauṭilya's predecessors. These are not problems that arose or assumed importance only in the days of Kauṭilya. And in all essential respects he appears to follow the earlier teaching even in these Books. As a matter of fact, the Books on foreign policy contain many more occasions when Kauṭilya disagrees with the earlier teachers than do these three Books. As for Books Two and Five, which are concerned with details of administration, Kauṭilya's own contribution may perhaps be a little larger than in the case of the other Books. It should, however, be pointed out that the idea of eighteen *tīrthas*, who include practically all the principal administrative officers mentioned in this text, is most probably derived from tradition and, therefore, older than Kauṭilya. The *samāhartṛ* and the *saṁnidhātṛ*, two of the most important officers in this system, are known to the earlier teachers (8.4.31), so are the *antapālas* (8.4.34), also *adhyakṣas* as a class, as may be inferred from 2.7.11-14 and 2.9.10-11. Apart from the Chapter on *śāsanas* or decrees (2.10), Kauṭilya's own contribution to the constitution of the administration would appear to be negligible. In other words, even in the case of administration, he seems to have relied on and mostly reproduced traditional teaching.

It is, therefore, not quite correct to look upon the text as giving us an exact picture of the political conditions prevailing in the Empire of Candragupta Maurya. Its politics—both in the internal and the external sphere—belongs mostly to the pre-Mauryan period, the period when the śāstra originated and was extensively studied. Kauṭilya certainly disagrees with the ancient teaching on a large number of points, but

2 See pp. 263-264 above.
3 *Age of the Nandas and the Mauryas*, p. 187.

this does not affect the fact that his teaching is in all essential respects the same as that of the earlier teachers.

A pertinent question arises: How is it that a work written by one supposed to be the minister of Candragupta makes no mention of the political conditions with which he must have been intimately acquainted and to the creation of which he himself had probably contributed? In partial reply it may be said that early tradition makes Kauṭilya help Candragupta to seize the throne of Magadha, but says nothing about his being his minister. In fact, the tradition of the *Mudrārākṣasa* represents him as anxious to retire from active politics once Candragupta was installed on the throne. The whole play centres round his schemes to get a former minister of the Nandas to accept the ministership of Candragupta. That implies his own retirement from active politics. As to the *Mudrārākṣasa* tradition, A. Hillebrandt, who has critically edited the play, remarks, "Viśākhadatta appears to have based his work on very sufficient information and to have reached out to the original tradition of the court very extensively."[4] Besides, it does not seem very likely that a person with the sort of temperament that tradition attributes to Kauṭilya could have for long continued to serve as a minister under any king whatsoever.

Another reason why contemporary events and political conditions are ignored in this work appears to be provided by the method used by the śāstra to present its teaching. Since the purpose of the śāstra is not to describe actual political conditions prevailing at any particular time, it could refer to contemporary events or conditions, if at all, only by way of illustration. And given the basic teaching of the śāstra, with its theory of *rājamaṇḍala*, its theory of *ṣāḍguṇya* and so on—teaching which the author had decided to follow in all essentials—there was hardly any scope for bringing in conditions in Candragupta's Empire by way of illustration. The Empire of Candragupta was to a large extent a legacy of the Nandas. In its expansion, the theory of the *maṇḍala* appears to have played little part, if any. Candragupta may be supposed to have made use of the various *upāyas* recommended in the śāstra. But the śāstra rarely gives any illustrations in these matters. In all the Books on foreign policy there are only two places where illustrations are given. Once with reference to the vice of gambling the names of Jayatsena and Duryodhana and Nala and Yudhiṣṭhira are mentioned as the winners and losers at gambling respectively (8.3.41,43). In the other place, the names of Suyātra and Udayana are referred to as kings who saved their persons and were, therefore, able to recover their kingdoms (9.7.36). The former illustrations are

4 *Über das Kauṭilīyaśāstra und Verwandtes* (Breslau, 1908), p. 30.

derived from the epics, the latter from old history, perhaps partly legendary. Elsewhere in the text, too, epic or legendary heroes are mentioned in connection with the necessity of controlling one's senses (1.6.4-12) and cases of semi-historical kings murdered in their queens' chambers are referred to (1.20.14-16). It appears extremely probable that even these few illustrations are derived by Kauṭilya from earlier authorities. One can, therefore, hardly find fault with the author for following his models closely and refraining from referring to contemporary events or conditions even when he knew them. That an author of a work on politics can refrain from making any allusion to contemporary political conditions may appear to be extraordinary to us. But such was the method of the śāstra. It was suggested in an earlier chapter that Kauṭilya probably composed this work when he was smarting under the insult suffered at the hands of the Nandas and when he was thinking of ways of destroying their power.[5] But it is equally possible to suppose that when he had retired from active politics, he reflected over this whole business of politics, made a study of the earlier works on the subject and finding them unsatisfactory composed his own work that could supersede them, without, however, deviating from the method followed by the śāstra before his days.

In any evaluation of a work of this kind comparisons are natural. It was H. Jacobi who had suggested a comparison of Kautilya with Bismarck as practical statesmen who held the 'Professors' in contempt for academic teaching divorced from reality.[6] However, as A. Hillebrandt says, the comparison is unfair. Not only were Kauṭilya and Bismarck different, but the whole spiritual atmosphere in which the two moved was different. Kauṭilya, he points out, was a Brahmin and *adhyāpana* was one of his duties.[7] That meant that Kauṭilya was as much a Professor himself as a practical statesman, if not more. At the same time it seems extremely probable that most of the earlier Professors of this śāstra, if not all, were also practical statesmen. The śāstra, in fact, appears to be the product of men who combined Professorship with practical statesmanship, a phenomenon not at all rare in ancient India. In any case, it is doubtful if Kauṭilya can really be called the Indian Bismarck.

A more usual comparison is with Machiavelli, the author of *The Prince*. Before the publication of the *Kauṭilīya Arthaśāstra*, C. Formichi had compared Kāmandaka with Machiavelli and Hobbes. One may understand Kauṭilya in place of Kāmandaka, as the latter is entirely derived from the former. According to Formichi, there is agreement

5 See p. 108 above.
6 IA, 47 (1918), p. 194.
7 ZDMG, 69 (1915), p. 363.

among Kāmandaka, Machiavelli and Hobbes on the following points: (1) Man is governed more by passion than by reason; hence the 'state of nature' and the need for punishment. (2) Nations are always hostile; hence the need to get rid of the enemy by force, fraud etc. (3) Reasons of state must prevail over religious sentiments. (4) There are no limits to absolute sovereignty.[8] After the publication of the *Arthaśāstra*, G. B. Botazzi made a detailed comparison between Kauṭilya and Thucydides, both of whom he regards as the precursors of Machiavelli.[9] B. K. Sarkar, to whom we owe these details of the views of these and other Italian scholars, himself says, "Denuded of all extraneous particulars, Machiavellism may be boiled down to two cardinal dicta: (1) The enemy, actual or potential, must be crushed at all costs. And here end justifies the means. (2) The manner in which a person behaves as the servant of a group, party or state must be different from that in which he appears as an individual in regard to other individuals."[10] He adds that both these principles are quite natural. And he argues that these principles are also at the basis of the *Arthaśāstra* teaching.

W. Ruben, who has also made a detailed comparison between Kauṭilya and Machiavelli, argues that the standpoint of both is that of 'Realpolitics', and hence according to both the statesman has to be dishonest, unorthodox, impious and egotistical, although at the same time he must be self-restrained and active (that is, not fatalistic).[11] He also refers to the occasionally relentless candour and sobriety and harshness of the politician reflected in the works of both.

In such comparisons there is evident a genuine desire to understand the teaching of Kauṭilya and Machiavelli. Often, however, the sobriquet Indian Machiavelli is given to Kauṭilya, which implies a condemnation of the teaching not only of Kauṭilya but also of Machiavelli. Machiavellism is regarded as synonymous with unscrupulousness or crookedness and looked upon as something immoral. This shows a lamentable misapprehension of the significance of Machiavelli's work. It is now widely recognised that the sinister reputation which has been his lot for centuries is thoroughly undeserved by him. As Lord Acton says, "A sublime purpose justifies him, and he has been wronged by dupes and fanatics, by irresponsible dreamers and interested hypocrites."[12]

8 This is from B. K. Sarkar, IHQ, I, pp. 551-552.
9 *Ibid.*, pp. 555-560 and 743-747.
10 IHQ, II, p. 368.
11 Acta Orientalia, Vol. XIII (Leiden, 1935), pp. 177-178.
12 Introduction to L. A. Burd's edition of *Il Principe* (Oxford, 1891), p. xxxiv.

Machiavelli's political philosophy is based upon his own experience of affairs. He does not start with any preconceived notions about the nature of human beings and the motive-springs of their actions. "*The Prince* is bestrewn with truths that can be proved at every turn. Men will not look at things as they really are, but as they wish them to be and are ruined. Men are still the dupes of their simplicity and greed. The cloak of religion still conceals vices."[13] As a result of his actual experience he found that politics cannot be regarded as a function of ethics. G. Catlin says, "Machiavelli is the first political scientist. To an extent that Aristotle, his great predecessor, emphatically does not, Machiavelli makes a distinction between ethics and political science."[14] It is, however, wrong to suppose that Machiavelli, for this reason, disregards morality or ethics. The political ends which he regards as specially important are independence, security and a well-ordered constitution.[15] These are surely unexceptionable ends. In fact, Italy found in Machiavelli's work the idea of her unity and the germs of her renaissance among the nations of Europe. Again, in the *Discourses* he begins by placing men in an ethical hierarchy. The best, he says, are the founders of religion; then come the founders of monarchy or republics; then literary men.[16] To all this no objection can be taken on moral grounds. It is when Machiavelli asserts that in the political field the end justifies the means that his teaching is regarded as immoral and subversive. But it must not be forgotten that this doctrine is intended not for justifying an individual's conduct as individual, but his conduct in the political sphere. Such a doctrine even in the political sphere is, no doubt, condemned by idealist philosophers; but throughout the centuries, it has continued to be actually followed in practice by active politicians everywhere. Bacon was one of the first to praise Machiavelli for "saying openly and without hypocrisy what men are in the habit of doing, not what they ought to do."[17] Much of the conventional obloquy that attaches to Machiavelli's name is due to the indignation of those who, for one reason or another, cannot stand a frank avowal of evil-doing. His 'intellectual honesty about political dishonesty' is repugnant to idealists who have little conception of practical politics or to hypocrites to whose advantage it is to preach one thing and practise another.

The same is largely true of the *Arthaśāstra*, though it does not seem to have evoked in India the violent reaction that followed the publication of *The Prince* in Europe. Machiavelli was burnt in effigy by the

13 Introduction to the edition of *The Prince* in Everyman's Library, p. xxi.

14 *The Story of Political Philosophers* (New York and London, 1939), p. 195.

15 B. Russell, *A History of Western Philosophy* (London, 1945), p. 530.

16 *Ibid.*, p. 527.

17 Cf. E. H. Carr, *The Twenty Years' Crisis* (London, 1942), p. 82.

Jesuits, his books were put in the banned list in the *Index Librorum Prohibitorum* drawn up by the Inquisition in Rome and scores of books were published to denounce its supposed nefarious teaching. What condemnation has fallen to the lot of the *Arthaśāstra* and its author Kauṭilya is mostly in modern times at the hands of those who have drunk deeply at the fountains of Western idealism in one form or another.

There can be no doubt that there is a great similarity in the standpoints of Machiavelli and Kauṭilya, despite the difference between the political conditions presupposed in their works and between the methods of their treatment. The ends which the *Arthaśāstra* has in view are the *yogakṣema* and *rakṣaṇa* of the subjects. That is certainly a commendable aim. The śāstra would also agree that the end justifies the means. It recommends ways of overcoming opposition or destroying enemies that have nothing to do with questions of morality. It should be pointed out, however, that the śāstra recommends apparently immoral means against traitors and enemies of the state, and distinctly adds that such means are not to be used in the case of law-abiding subjects (*evaṁ dūṣyeṣu adhārmikeṣu ca varteta, netareṣu*, 5.2.69). Just as Machiavelli's teaching was based on his own experience of political affairs, the teaching of this śāstra also was based on the practical experience of administrators who were its originators. We, therefore, find a large number of dicta in the pages of *The Prince* which the writers of this śāstra would have clearly endorsed. A few examples may be given: " He who has relied the least on fortune is established the strongest." (p.46).[18] " A wise prince ought to adopt such a course that his citizens will always in every sort and kind of circumstances have need of the state and of him, and then he will always find them faithful." (p.82). " It cannot be called talent to slay fellow-citizens, to deceive friends, to be without faith, without mercy, without religion; such methods may gain empire, but no glory." (p.69). " Men ought either to be well-treated or crushed; because they can avenge themselves of the lighter injuries, of more serious ones they cannot." (p.19). " A prince ought to reckon conspiracies of little account when his people hold him in esteem; but when they are hostile to him and bear hatred towards him, he ought to fear everything and everybody." (p.153). " Nothing makes a prince so much esteemed as great enterprises and setting a fine example." (p.177). " That war is just which is necessary, and arms are hallowed when there is no other hope but in them." (p.213).[19]

18 The references in brackets are to pages in Everyman's Library edition of *The Prince*.

19 For common points between Machiavelli and the *Arthaśāstra*, compare also B. K. Sarkar, IHQ, III, pp. 212-214.

It may be tempting to find a parallel between Machiavelli's longing to see Italy united under some Italian prince who could expel the French and the Spaniards dominating the Italian scene that was split up among contending city states and a possible desire on the part of Kauṭilya to see India united in a single empire so that the Greek invasions may be successfully beaten off. One may regard it as quite conceivable that Kauṭilya entertained such a desire and filled Candragupta with the ambition of freeing India from the yoke of the foreigners. However, such a desire is not revealed in the *Arthaśāstra*. The foreign states it has in view have to be supposed to be situated within the *cakravartikṣetra*, that is, within the borders of India. And all its teaching on the building up of an empire or on the saving of one's state from an imperialist aggressor has relevance to inter-state relations confined to the Indian scene. And this teaching is almost certainly derived from earlier teachers, and there is no awareness in it of the danger of invasions by foreigners such as the Persians or the Greeks, much less of any burning desire to free the country from the yoke of such foreigners. The reason for this difference between Kauṭilya and Machiavelli is that the latter had constantly before his mind's eye the specific historical situation in Italy at the time, while Kauṭilya's work is unconcerned with any particular historical situation.

That also partly explains the difference in the method of treatment in the two works. Machiavelli's method is historical which makes him turn to history for confirmation of the conclusions drawn by him from his own observations. There can be no doubt that this adds considerably to the interest of his work. The *Arthaśāstra*, on the other hand, practically ignores history and contents itself with imagining all possible political situations and indicating ways to meet them. That often makes it give lists of possibilities that appear to have little relevance to actual situations at any time. Of course, though these situations appear to be all imagined, they are not imaginary. Every one of them can conceivably arise, given the political conditions presupposed in the work. That the method of its treatment has made the subject far less interesting cannot, however, be denied.

One point should not be lost sight of. As has been maintained in these pages, the teaching found in the *Arthaśāstra* is not entirely Kauṭilya's own. Most of it is the traditional teaching of the śāstra. It is the śāstra, therefore, that may be called Machiavellian in its teaching, in whatever sense this expression is understood. Some of Kauṭilya's predecessors—Bhāradvāja amongst them—were more ruthless in their teaching. But being the only extant representative of the śāstra, Kauṭilya has had to bear the blame or get the credit for its teaching.

M. Winternitz has remarked, "It is strange that the same Kauṭilya who in many places of the *Arthaśāstra* proves himself to be an orthodox follower of Brahmanism and often recommends the performance of religious rites . . . that the same Kauṭilya has no scruples whatever in recommending stratagems which can only be called an abuse of religious institutions and a speculation on the credulousness and religiosity of the people."[20] This is characteristic of the idealist's desire to see the rules of personal morality observed in public life. But the exploitation of credulity and superstition for political ends is not uncommon in practical politics. And in emergencies, such as war, even religious sentiments are often exploited for what are nothing but political ends. What the *Arthaśāstra* has done is to recognise the existence of such practices. And it should not be forgotten that it recommends their use only in emergencies.

A. B. Keith has commented, "It is a very misplaced patriotism which asks us to admire the *Arthaśāstra* as representing the fine flower of Indian political thought. It would, indeed, be melancholy if this were the best that India could show as against the ***Republic*** of Plato or the ***Politics*** of Aristotle."[21] There can be no doubt that this is the best work on the subject produced in ancient India. It would be worthwhile trying to find out in what respects it can stand no comparison with works from ancient Greece.

A fundamental difference between the *Arthaśāstra* and Greek writings on politics is in regard to the purpose for which they are written. The aim of the *Arthaśāstra* is thoroughly practical, to show how a state should be ruled. Greek writings scarcely concern themselves with this. They are rather concerned with the problem of the realisation of the highest good of man ; how best this can be achieved through the state is what they seek to investigate. Hence they try to visualise the perfect state. Plato's ***Republic*** is such a search for the ideal state, where justice, regarded as the highest good of man, can be perfectly assured. Justice, Plato thinks, is hindered by ignorance and selfishness. His remedy for the former is a specialisation of the social functions of the state, society being divided into the three classes of rulers or guardians, fighters and farmers, men of gold, of silver and of iron and brass respectively. His remedy for selfishness was communism of a sort, involving the abolition not only of property, but also of the family. It is clear that Plato's republic is an ideal that can never be realised in the realm of practical politics, as can be seen from Aristotle's criticism of it.

It should be remembered that Plato offered other solutions too. In the ***Politicus***, he advocates absolute monarchy, where the ruler is

20 *Some Problems of Indian Literature*, pp. 92-93.
21 Preface to *A History of Sanskrit Literature*, p. xviii.

'unfettered by public opinion and unhampered by law.'[22] This is an extreme solution, which presupposes a monarch who must be all-wise. A much more practical solution is the one in the *Laws*, where Plato abandons communism, recognises the need of a patriarchal family and recommends a mixed constitution, a mixture of monarchy and democracy.

There can be no question about the high idealism that permeates all Plato's writings, particularly the *Republic*. It has inspired political thinking in the West all through the centuries. It has also set the tone for all later thinkers. Since Plato's day, politics has been a branch of philosophy, with the result that it has rarely, if ever, been considered apart from questions of the individual's good, that is, from questions of morality. Plato, says Catlin, started political science off 'along a road in which its study is and is to remain for two millenia, thoroughly moralistic'.[23] Significantly, the change is now being made from political philosophy to political science.

It is clear that there is little in common between Plato and the *Arthaśāstra*. The latter does not look upon politics as a branch of philosophy. It has perhaps its own ideas of the highest good of man, but it does not regard the state as formed for the realisation of that good. It, therefore, keeps personal morality distinct from public good. And its practical realism is in sharp contrast with Plato's idealism.

To turn to Aristotle, it is interesting to note that he was a senior contemporary of Kauṭilya. He died in 322 B.C., about the time when the latter was plotting to overthrow the Nandas. It is evident that his pupil Alexander's conquests had no influence on Aristotle's teaching, which is centred on the conception of the city state, a conception that ceased to have any meaning as a result of those very conquests. In like manner, it seems, Kauṭilya shows no awareness in his work of Candragupta's conquests, contenting himself mainly with the politics of a moderate-sized state.

The *Politics*, too, is not written with the practical aim of showing how government should be run. It is a theoretical investigation of political problems in terms of their basis in human association and of the ends obtainable through such association. Like Plato, Aristotle, too, thinks in terms of the perfect state. But his method is to analyse the various forms of a state's constitution, monarchy, aristocracy etc., with a view to find out which is best suited for the attainment of the highest good. He would tolerate monarchy only when there is some-

22 Cf. E. Barker, *The Political Thought of Plato and Aristotle* (London, 1906), p. 168.

23 *The Story of Political Philosophers*, p. 42.

one who is 'pre-eminent in virtue'. Aristotle defines a citizen as one who has the power to take part in the 'deliberative or judicial administration of a state'. A life of virtue being the highest good of man, the citizen 'must not lead the life of mechanics or tradesmen, for such a life is ignoble and is inimical to virtue' (*Politics*, VII, 9). Aristotle wants the number of citizens in an ideal state to be strictly limited. Even the number of 5,040, suggested by Plato in the *Laws* is regarded by him as too excessive. Too large a number impairs the pursuit of a life of virtue and also makes direct participation in the exercise of sovereignty by all citizens difficult. Aristotle lays great emphasis on the education of citizens, so that 'the virtues of leisure', namely, philosophy, temperance and justice, are cultivated and the citizens become fitted for participation in the exercise of sovereignty.

There can be no doubt about the high aims set before the state by Aristotle. That the state should care not so much to ensure the material comforts of its citizens as to enable them to lead a life of virtue is certainly a very noble aim. And the intention that such a life should make it possible for them to cultivate philosophy, temperance and justice cannot be too highly praised. It should not be forgotten, however, that this life is intended only for a part of the state's population. The non-citizens are regarded as unfit and ineligible to share this life with the citizens. It may be granted that in any given society the number of men who can meaningfully cultivate philosophy, justice and other noble things is bound to be very small. But the cleavage between citizens and non-citizens is assumed to be natural and is intended to be permanent by Greek philosophers. We thus find Aristotle defending slavery as natural.

It is true, as E. Barker says, that no political philosophy can be detached from its environment in history.[24] Not only did Aristotle adopt the city state as the only natural and desirable form of state-organisation, but he also accepted slavery, then prevalent everywhere in Greece, as its natural concomitant. In Athens, according to Barker, the number of citizens was 50,000, while that of slaves, who were mostly public slaves and whose labour sustained practically its entire economy, was 100,000.[25] The citizens could participate in the exercise of sovereignty and cultivate a life of virtue because they were freed from the necessity of labour on account of the slaves. Though Aristotle's defence of slavery is thus explicable in the light of the conditions obtaining in Greece at the time, it can hardly be maintained that the defence does him credit.

24 *The Political Thought of Plato and Aristotle*, p. 15.
25 *Ibid.*, pp. 463-464.

It cannot be denied, of course, that India, too, knew inequalities. The *varṇa* system, which the *Arthaśāstra* fully endorses, is based on unequal rights and privileges. At one end of the scale we have the Brahmins, who are in a position to lead what Aristotle calls a life of virtue and to cultivate the virtues of leisure, and at the other end, the vast mass of Śūdras, who sustain the economy of the state; and lying beyond the pale of society, we have the *antāvasāyins*. Perhaps the condition of the lower classes was no better than that of slaves. Nevertheless, the sort of slavery that obtained in Greece was not to be found in India, and no defence of slavery as something natural and desirable is to be found in the *Arthaśāstra* or elsewhere.

Greek political thought was part of a complete philosophy of man. The best kind of life for man was determined by certain ideals—mostly ethical—to be realised by him here on earth in this life. And the state is intended to make the realisation of these ideals possible. Hence the desire to discover the ideal state where this aim could be achieved. This has resulted in Greek political thinking paying such great attention to the form of state-organisation and the citizen's place in it. On the other hand, the *Arthaśāstra* is not concerned with the problem of the highest good of man. That is left to philosophy, which mostly regards man's highest good as something other-worldly. So far as man's life here on earth is concerned, what the state is expected to do is not only to enable him to follow his *svadharma*, which is determined for him by the *varṇa* and the *āśrama* system, but also to preserve this system as something sacrosanct. That has meant an emphasis on protection. The form of state-organisation being immaterial for this purpose, there is no investigation of the best form of that organisation. And all attention is concentrated on the practical aspects of government. Thus, while Greek political thought is mainly concerned with the theoretical questions of state-organisation and man's relation to it, the *Arthaśāstra* is principally devoted to the practical problems of administration and defence. Though the subject-matter of both may be said to be politics, they really deal with different aspects of that science. Strictly speaking, therefore, a fair comparison between the two can hardly be made. In theoretical speculation, Greek political thought is undoubtedly unrivalled. But on questions of practical politics, the *Arthaśāstra* may equally well be said to be unparalleled.

However, one must recognise that concentration on the practical aspects of government has placed severe limitations on the growth of this science in India. There is here little significant contribution made to the theoretical aspects of this science, which are, if anything, more important than the practical aspects of government. When one thinks of the long line of political thinkers in the West from Plato down to

Marx, who made significant and original contributions to this subject, the comparative barrenness of Indian thought in this field can scarcely be denied. What is more, in the restricted field on which the śāstra has concentrated its attention, there was little scope for any fresh thought or new ideas indicative of the development of the science. The *Arthaśāstra* of Kauṭilya has practically said all that could be usefully said on the subject. What later work there has been on it is, therefore, mostly a rehash of what it says. The science has known no growth in India. And there was little possibility of growth in view of the nature of its contents.

K. V. Rangaswami Aiyangar has drawn attention to the great similarity between the Cameralist writers in 16th, 17th and 18th century Germany and the *Arthaśāstra*.[26] The Cameralists, it seems, discussed the entire sphere of state activity, administration, law, economics, defence etc. And they dealt with the governance of a monarchical state. What is more, most of the writers were associated with practical administration in some German state or the other.[27] They also wrote in the form of maxims or precepts intended for the guidance of the monarch. There can be no doubt about the great similarity with the origin and nature of Arthaśāstra. The similarity is very probably to be explained by the fact that conditions in Germany, when the Cameralists wrote, were more or less similar to those prevailing in ancient India when this science was formulated. There were a number of states whose rulers were striving to establish their authority by destroying the power of the feudal barons. A centralized rule by a monarch succeeded in stabilising and strengthening some of the German states like Prussia, Austria, Bavaria, and others. This stage is reflected by the Cameralists. With the formation of the Austrian Empire and then of the German Reich, the need for this system of thought disappeared. Similarly, Arthaśāstra originated in the days when there were numerous states and monarchy had succeeded in replacing tribal or oligarchical forms of political organisation. The appearance of empires off and on in India did not affect the general pattern of political life, characterised by a number of monarchical states contending with one another for supremacy. Hence the teaching of the śāstra did not lose its validity till comparatively recent times, particularly since it took account of the struggle for supremacy and recommended ways of expansion.

Aiyangar has suggested that the *Arthaśāstra* was feared because of the magic spells and the practical rules for the overthrow of princes contained in it and that therefore it was suppressed.[28] He

26 *Indian Cameralism* (Adyar Library, Madras, 1949).
27 *Ibid.*, pp. 8-9.
28 K. V. Rangaswami Aiyangar, *Considerations on Some Aspects of Ancient Indian Polity* (Madras, 1916), p. 101.

thinks that its meaning, apparently regarded as esoteric, was kept within a closed circle and powerful interests saw to it that the secrecy of its interpretation was maintained.[29] And he considers it possible that the academies where such delicate questions were discussed were closed down once the Maurya Empire was established.[30] These suggestions appear to be made to explain the scarcity of the manuscripts of the *Arthaśāstra*, also because of the difficulty in understanding many of its passages. But none of the suggestions made appears to be at all plausible. Magical spells have not ceased to be widely used throughout the centuries, however much they may have been feared; nor have princes ceased to be overthrown now and then. No text-book was necessary for either purpose. Again, the study of the *Arthaśāstra* in the academies could not have affected practical affairs in any Empire to such an extent as to force it to close them down; and it is more than doubtful if such a course would have effectively stopped the study of this work over the whole of India. Nor is there any reason to suppose that its interpretation has any secrecy about it, or that its meaning is intended only for a closed circle. It is an open treatise, for the most part straightforward and not difficult to understand except for some technical terms.

The scarcity of the manuscripts of the *Kauṭilīya Arthaśāstra* at the present time is sometimes regarded as proof that its teaching was repudiated by India because of the cruel and immoral practices recommended in it. K. Nag, for example, says that Buddhism and Jainism strongly combated the brutality and cruelty of the *Arthaśāstra*, that Brahmins, too, emphasised the moral element in their schools so that the *Arthaśāstra* was supplanted by and absorbed in the Dharmaśāstra and that the Hindu spirit rejected Kauṭilya and followed Aśoka.[31] None of these statements has much relation to truth.

It need not be surprising that writers with a definite moral purpose in their writing should disapprove of the *Arthaśāstra*. Thus Aśvaghoṣa, when writing a life of the Buddha, naturally disapproved of it. But the Buddhist *Lankāvatārasūtra* refers to Kauṭilya as a *ṛṣi*, and Āryaśūra, the author of the *Jātakamālā*, 'parades his knowledge of the *Arthaśāstra*'[32] It is to be noted that the *Nītivākyāmṛta*, a work on this śāstra almost entirely based on Kauṭilya's *Arthaśāstra*, was written by a Jain scholar, Somadeva, who refers to him respectfully as *nayavid*. Nor is there anything to show that Brahmin writers condemned the

29 *Ibid.*, p. 11.
30 *Ibid.*, p. 13.
31 K. Nag, *Les Théories diplomatiques de l'Inde ancienne et l'Arthaçāstra* (Paris, 1923), pp. 119ff.
32 E. H. Johnston, JRAS, 1929, pp. 87 and 81-84.

Arthaśāstra. Viśākhadatta appears to show high appreciation of its teaching. If Bāṇa appears to condemn it, it should be remembered that the condemnation is put in the mouth of the highly idealised minister, Śukanāsa, in a romance of a highly imaginative character. As to Daṇḍin, it is not he who ridicules the science. The ridicule is put in the mouth of a wicked servant of a prince, who induces the prince to flout the teaching of the śāstra so that he may fall a prey to vices and meet with ultimate ruin. The servant succeeds in encompassing the ruin of the prince as planned, and this is intended by Daṇḍin to show that the neglect of the teaching of the śāstra is likely to lead to a disaster (Ucchvāsa VIII).

Again, it is only partly true that the Dharmaśāstra absorbed the teaching of the *Arthaśāstra* and supplanted it. That happened only in the case of law. As for the rest of the teaching of this śāstra, the Dharmaśāstra, after Yājñavalkya, ceased to concern itself with it. Even in the beginning, the Dharmaśāstra was really not concerned with matters of administration and foreign relations. After the appropriation of law by the Dharmaśāstra, these subjects were treated in specialised works like the *Nītisāra* of Kāmandaka. We can speak of a bifurcation of the science, not the absorption of the whole by what concerned itself with only a part. In fact, it appears that works like the *Nītisāra* are to a large extent responsible for the neglect of the *Kauṭilīya Arthaśāstra*. They presented the same teaching in the more easily assimilable form of verse. However, it is not correct to suppose that the *Kauṭilīya Arthaśāstra* was neglected during all these centuries. Apart from the many authors like Aśvaghoṣa, Kālidāsa, Bāṇa, Viśākhadatta, Daṇḍin and others who clearly were conversant with it, we have references to it and quotations from it in the commentators right down to the days of Mallinātha and Cāritravardhana in the 14th and 15th centuries A.D. It may have lost much of its validity with the establishment of the Mughal Empire and particularly with the advent of the British rule. But it must not be forgotten that the *Nītisāra* and other works based on Kauṭilya did not pass into oblivion even then.

It is equally difficult to accept the proposition that the Hindu spirit rejected Kauṭilya and followed Aśoka. If this is meant to imply that the principles of high morality embodied in Aśoka's *dhamma* are repudiated by Kauṭilya, that is quite wrong. He recommends the same high moral principles when he lays down for each individual, to whichever *varṇa* and *āśrama* he may belong, the duties of *ahiṁsā* 'refraining from injury', *satya* 'truthfulness', *śauca* 'purity', *anasūyā* 'freedom from malice', *ānṛśaṁsya* 'compassion' and *kṣamā* 'forgiveness' (1.3.13). If it is objected that Kauṭilya is here paying only lip service to these principles, can it be seriously maintained that India has done

anything else but this when it is said to have followed Aśoka? And it is not in India alone that high moral principles have been accepted as ideals to be realised. Everywhere men have been exhorted to follow high moral precepts, everywhere they profess to follow them, which, however, often means little more than paying lip service to them. The fact is that these ideals are meant for individuals. And Kauṭilya regards them as obligatory on individuals with as much sincerity as does Aśoka. The only thing is that he does not agree that the conduct of public life should be guided by rules of individual morality.

If the statement about India following Aśoka is intended to mean that kings in India have generally followed the example of Aśoka in conducting public affairs on the basis of the rules of individual morality, that again is something that is hardly acceptable. It is true that after the Kaliṅga War, Aśoka renounced war and practised *ahiṁsā*. But it is precisely because all opposition to his Empire had been ruthlessly crushed in that war that he could afford the luxury of renouncing war as a policy. It is not known if in pursuance of his policy he had disbanded the army. Had he really done so, one may be sure that there would have been uprisings sooner or later in various parts of the Empire. The fact that the Empire survived for a few generations after Aśoka indicates that the army was intact. In fact, it was an army general who brought Maurya rule to an end. As for later kings, it is extremly doubtful if any of them could or did follow Aśoka's example. Unquestionably there have been kings in India who were inspired by a high moral ideal, as there have been such kings in other countries. But it is only the ruler of a very powerful state, where all opposition from inside and outside has ceased to exist, who can afford to base his rule on strictly moral principles, regardless of consequences. The rulers of small states, surrounded by similar states, for the most part hostile, as was the case over long periods of history in India, could hardly have helped following the teaching of this śāstra, based as it is on the realities of such a situation. Had India really followed Aśoka, we would not have had to read in history of wars, of acts of treachery and duplicity, or of assassinations from the days when Puṣyamitra killed the last Maurya Emperor on the parade ground to the days when Peshwa Narayanrao was murdered in his palace.

And was Kauṭilya really rejected by India? But for a stray remark or two there is no evidence to show that its teaching was looked upon with horror in ancient times as is done by many modern scholars. The horror is felt because of the cruel and immoral practices recommended in this text. But the fact is generally ignored that such practices are recommended only against traitors and enemies, only when there is an emer-

gency or the state is in a difficult situation. It is not realised that the preservation of the state at all costs is the foremost duty of the ruler and that the interests of the state have to take precedence over all other considerations. It is also forgotten that the text forbids the use of these practices against loyal and peaceful subjects as well as in normal times. Moreover, such criticism assumes that the conduct of public affairs is or ought to be governed by rules of morality. We have the story of Machiavelli repeated, though in a milder form. It is the same idealistic wishful thinking that will not face the realities of actual political life and cannot keep questions of personal ethics separate from public affairs. The fault of the *Arthaśāstra*, as that of Machiavelli, lies in openly saying something that has always been actually practised by states everywhere.

If we were now to ask what significance the teaching of the *Arthaśāstra* has at the present time, it must be said that it has lost much of its relevance even in Indian conditions. Monarchy has disappeared even from the princely states. India, incorporating the major part of the *cakravartikṣetra*, has been brought under a single rule. The form of government that has been adopted, a republic with the parliamentary type of democracy, is something that was quite inconceivable to the writers of this śāstra. The administrative machinery is largely different. A number of departments visualised in the *Arthaśāstra*, have no place in the present set-up, while, on the other hand, a number of departments have come into being of which the śāstra had little conception. Nonetheless, what the śāstra has to say on some matters is not without relevance even in present-day conditions. Its views about state servants, their qualifications and appointment, their corruptibility and ways of keeping it in check are not quite irrelevant. Its recommendations about the secret service for keeping a watch over state servants or over the political activities of the subjects or for purposes of criminal investigation have a bearing even on modern conditions. Its teaching on the investigation of crime sounds almost modern. The law which it embodies is the same law, which, coming down through the Smṛtis as interpreted in commentaries and digests like the *Mitākṣarā*, the *Vyavahāramayūkha*, the *Dāyabhāga* and the *Smṛticandrikā*, has been in force through all these centuries and is only now being replaced by a code applicable to the whole of India. The very liberal views expressed in this work on many matters could well be of interest even to modern legislators.

The strict control of economic life by the state that is visualised in this text is something not dissimilar to what is being actually practised in many modern states. Even those that are not totalitarian cannot afford to follow a policy of *laissez faire*. The reservation of certain

spheres for the public sector and the regulation of private enterprise are features characteristic of the economic policy being followed at present in India. In essence, the text appears to recommend a similar policy though it could never have conceived the kind of economic life that has come into existence in a modern state as a result of the Scientific and Industrial Revolutions. The text also had no conception of what is called the socialistic pattern of society, which is the goal to be achieved by following the economic policy. Its modest aim was the welfare of the subjects together with the advancement of the state. It is possible that the text would not have disapproved the use of totalitarian methods for the enforcement of its economic policy.

It is in the sphere of foreign policy that the śāstra may be said to have lost much of its validity at the present time. Yet it would be quite possible to maintain that what it says in this connection is still largely true in the wider field of world politics. We have still the same distrust of one nation by another, the same pursuit of its own interest by every nation tempered only by considerations of expediency, the same efforts to secure alliances with the same cynical disregard of them in self-interest, the same kind of intelligence service maintained by one nation in the territory of another which we find referred to in the *Artha-śāstra*. The present day cold war tactics are not essentially different from what the text recommends to the *vijigīṣu* when placed in similar situations. It must be admitted that a new factor has emerged in recent times, namely world opinion, that serves as a check on blatantly selfish policies. Yet, it is difficult to see how rivalry and the struggle for supremacy between the nations can be avoided and the teaching of this śāstra which is based on these basic facts rendered altogether superfluous until some sort of a one world government or an effective supra-national authority is established. The arrival of the nuclear age might hasten the advent of such an authority by the strengthening of the United Nations. But until that happens, the teaching of the śāstra would in actual practice be followed by the nations, though it may be unknown to them and though it may be openly condemned by those that know it.

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